

# STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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## Frequently Asked Questions

### Assessment Appeals I

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**1. I received a Notice of Assessment (Form 11) in the mail. How do I know if my assessed value is correct?**

The assessed value should reflect the amount a willing buyer would pay for the property at the time of the assessment (January 1). When a property owner receives a notice of assessment, the best way to determine if it is accurate is to question if the property could have sold for approximately that amount.

**2. Who should I contact to initiate an appeal of the assessed value of my home?**

The first step in the appeals process begins with written notification to the appropriate local official. A taxpayer must file Form 130 (Taxpayer's Notice to Initiate an Appeal) (<https://forms.in.gov/Download.aspx?id=6979>) with the appropriate local official (<https://www.in.gov/dlgf/2440.htm>).

The taxpayer must file a separate petition for each parcel. The petition may be filed any time after the assessing official's action, but not later than the following:

- (1) For assessments *before* January 1, 2019,
  - a. 45 days after the date on which the notice of assessment (Form 11 or Tax Bill (TS-1)) is mailed by the county, or
  - b. 45 days after the date on which the tax bill is mailed by the county treasurer regardless of whether the assessment was changed, whichever is earlier.
- (2) For assessments *after* December 31, 2018,
  - a. June 15 of the assessment year, if the notice of assessment (Form 11 or Tax Bill (TS-1)) is mailed by the county before May 1 of the assessment year, or
  - b. June 15 of the year in which the tax bill is mailed by the county treasurer, if the notice of assessment (Form 11) is mailed by the county on or after May 1 of the assessment year, whichever is earlier. Appeals begin at the local level and can be appealed to the state (Indiana Board of Tax Review) only after being reviewed locally.

**3. I received my property tax bill and I think it is too high. What can I do?**

A person's property tax liability reflects the assessed value, the deductions and/or credits applied (e.g., the Homestead Standard Deduction and the Mortgage Deduction are the two most common deductions), the impact of property tax caps, and the distribution of property taxes used for local government spending. Hence, the first thing a taxpayer should do is to make sure their assessment is correct. This can be done by getting a copy of their property record card from the local assessor's office to make sure all of the parcel characteristics (e.g. square footage, features like decks, detached garage, etc.) are correct. The next step is to make sure all of the deductions and/or credits for which the taxpayer has applied and is eligible for are in place. For a list of the available deductions and credits, please visit <http://www.in.gov/dlgf/2344.htm>. Finally, taxpayers can speak with their local government officials (e.g. city, town, or county council members, etc.) about local government spending decisions.

#### **4. To whom do I speak about an appeal if my township no longer has an assessor?**

If you do not have a township assessor, the county assessor is responsible for all assessment duties. For a list of local assessing officials, please visit: <http://www.in.gov/dlgf/2440.htm>.

#### **5. Is an appraisal required as evidence when appealing an assessment?**

No, state law does not require a taxpayer to submit an appraisal of the subject property in order to appeal the assessment. Information about acceptable evidence to support an appeal is available at <http://www.in.gov/ibtr/2420.htm>.

#### **6. What is the Property Tax Assessment Board of Appeals (PTABOA)?**

The PTABOA is either a three or five member board comprised of individuals "knowledgeable in the valuation of property." The county commissioners determine whether to have a three or five member PTABOA. The county assessor is a non-voting member of the PTABOA regardless of the number of members. The members are appointed by the county commissioners and the county council.

#### **7. So how does the appeal process work?**

Once a taxpayer has filed a written notice of appeal (Form 130), the local assessing official is statutorily required to forward that written notice to the PTABOA. Upon receipt of the notice, the assessing official shall schedule a preliminary informal meeting during business hours that is convenient to the taxpayer. The taxpayer and the assessing official shall exchange at the time of the meeting the information that each party is relying on to support the party's respective position on each disputed issue concerning the assessment, deduction, or credit. This exchange is intended to facilitate understanding and the resolution of disputed issues.

Indiana Code 6-1.1-15-1.2 states that additional information obtained by a party after the meeting and before the PTABOA hearing shall be given to the other party. If additional information is provided for the first time at the PTABOA hearing, the PTABOA, unless waived by the receiving party, shall continue the hearing until a future date so that the receiving party can review the information.

After the preliminary informal meeting, the assessing official shall report to the PTABOA the results of the meeting Form 134 (“Joint Report by Taxpayer/Assessor to the County Board of Appeals of a Preliminary Informal Meeting”) (<https://forms.in.gov/Download.aspx?id=6842>). The results shall be reported as follows:

- If the taxpayer and assessing official agree on the resolution of all issues in the appeal, the report shall state the agreed resolution of the matter(s) and both parties shall sign the report.
- If the taxpayer and assessing official do not agree on a resolution, the parties agree on a partial resolution, or a meeting is not held, the report shall indicate those facts and both parties shall sign the report.

Please note that Indiana Code 6-1.1-15-1.2 does not require the assessing official to deliver the Form 134 to the PTABOA within 10 days of the meeting; however, the completed Form 134 should be forwarded by the assessing official in a timely manner.

If the PTABOA receives a report that the parties reached an agreement, the PTABOA shall vote to approve or deny the resolution. If the PTABOA approves the resolution, it shall then issue a notification of final assessment determination adopting the resolution and vacating any scheduled hearing related to the appeal.

Upon receipt of the notice of appeal (Form 130), the PTABOA shall hold a hearing not later than 180 days after the petition filing date. The PTABOA shall mail notice of the date, time, and place fixed for the hearing at least 30 days before the hearing. This notice is given to the taxpayer, the tax representative (if any), the assessing official, and the county auditor.

The PTABOA shall grant a written request for continuance showing good cause. The request must be filed at least 10 days before the hearing. When the request is granted, the PTABOA shall then reschedule the hearing.

The taxpayer may withdraw, in writing, an appeal at least 10 days before the hearing. Upon receipt of the withdrawal, the PTABOA shall issue a final assessment determination indicating the withdrawal and no change in assessment. This withdrawal also waives the taxpayer’s right to appeal to the Indiana Board of Tax Review (IBTR).

The PTABOA shall determine an appeal without a hearing if the taxpayer submits a written request at least 20 days before the hearing.

For an appeal pertaining to the assessed value of the property, the taxpayer is not required to have an appraisal of the property to initiate or prosecute the appeal.

The PTABOA shall determine the assessment by motion and majority vote. Based on the evidence before it, the PTABOA may increase an assessment. The PTABOA shall then issue a written decision, given to the assessing official, county auditor, and taxpayer.

If the PTABOA has not issued a determination before 180 days have passed since the filing of the petition, the taxpayer may initiate an appeal with the IBTR.

If a taxpayer or taxpayer representative fails to appear at the hearing and a request for continuance is denied or not timely filed, or any other written request from the taxpayer allowed by statute is not timely filed, the county assessor may impose a \$50 penalty. The taxpayer may appeal the imposition of the penalty to the IBTR or directly to the Tax Court. The penalty will not be added as an amount owed on the tax bill.

### **8. What is the Indiana Board of Tax Review (IBTR)?**

The IBTR is the state administrative tax appeals board. The Board conducts an impartial review of appeals concerning: (1) the assessed valuation of tangible property; (2) property tax deductions; (3) property tax exemptions; and (4) property tax credits; that are made from a determination by an assessing official or a PTABOA. A taxpayer who disagrees with the PTABOA's determination may petition the IBTR for further review. More information about the IBTR is available at <http://www.in.gov/ibtr/2334.htm>.

### **9. I think my assessment is incorrect and I am filing an appeal. Do I have to pay the full amount of my tax bill or can I wait for the results of my appeal?**

If you have filed an appeal, you are required to pay the tax amount based on the immediately preceding year's assessment of real property if an assessment, or increase in assessment, of real property is involved. This tax amount must be paid when the installments come due. However, Indiana Code 6-1.1-37-9 and 10 specifies that penalties and interest may be applied if the taxpayer has not paid the amount of taxes resulting from the appeal determination that is in excess of the tax amount based on the immediately preceding year's assessment.

**Example:**

2018 Property Tax Assessed	\$400
2019 Property Tax Assessed	\$500
2019 Installment #1	\$250
<i>Required Amount to be Paid for 2019 Installment #1 (Pending Appeal)</i> \$200	
2019 Installment #2	\$250
<i>Required Amount to be Paid for 2019 Installment #2 (Pending Appeal)</i> \$200	

***If appeal is unsuccessful***

Outstanding Amount to be Paid *\$100 + Interest*

### **10. What if I can't attend the scheduled hearing? What is the timeframe to file a continuance?**

If good cause is shown, the PTABOA must grant a request for a continuance filed, in writing, at least 10 days before the hearing. When the request is granted, the PTABOA shall then reschedule the hearing.

## **11. Is there an alternative method for determining the assessed value instead of a PTABOA hearing?**

Instead of a hearing before the PTABOA, a taxpayer and a township or county official may enter into an agreement in which both parties:

- (1) agree to waive a determination by the PTABOA and submit the dispute directly to the IBTR; or
- (2) stipulate to the assessed value of the tangible property in dispute as determined by an independent appraisal.

An agreement may not be entered into more than one hundred twenty (120) days after the date of the appeal. The township or county official shall immediately forward an agreement to the PTABOA.

An agreement entered into by a taxpayer and a township or county official must include the following provisions:

- (1) The PTABOA shall select three (3) Indiana registered appraisers as potential appraisers to conduct an independent appraisal under the agreement.
- (2) Not later than fifteen (15) days after the PTABOA's selection of potential appraisers, the:
  - (A) taxpayer; and
  - (B) township or county official;may each strike one (1) appraiser from the list of potential appraisers by providing written notice to the PTABOA of the name of the appraiser to strike from the list.
- (3) Not later than sixty (60) days after the date of the agreement, an appraisal shall be conducted by the Indiana registered appraiser who is:
  - (A) not struck from the list of potential appraisers, if two (2) potential appraisers are struck from the list under subdivision (2); or
  - (B) selected by the PTABOA from the list of potential appraisers, if fewer than two (2) potential appraisers are struck from the list under subdivision (2).
- (4) The appraisal conducted under subdivision (3) shall be:
  - (A) prepared in accordance with usual and customary professional standards for an Indiana registered appraiser;
  - (B) notarized; and
  - (C) filed with the PTABOA not later than three (3) days after its completion.
- (5) The taxpayer and the township or county official stipulate for purposes of review by the PTABOA that the correct assessed value of the tangible property in dispute is the appraised value of the tangible property as determined by the appraisal conducted under subdivision (3).
- (6) The taxpayer and the township or county official retain the right to initiate a proceeding for review of a stipulated determination entered by the PTABOA before the IBTR.

## **12. What if I do not attend my appeal hearing? Is there a penalty?**

As stated above, if a taxpayer or tax representative fails to appear at the hearing and a request for continue is denied or not filed, or any other written request from the taxpayer allowed by statute is not filed, the county assessor may impose a **\$50 penalty**. The taxpayer may appeal the

imposition of the penalty to the IBTR or directly to the Tax Court. The penalty will not be added as an amount owed on the tax bill.

**13. I filed a property tax appeal, but now I decided I do not want to pursue it. What do I need to do?**

The taxpayer may withdraw in writing an appeal at least 10 days before the hearing. Upon filing of the withdrawal, the PTABOA shall issue a final assessment determination indicating the withdrawal and no change in assessment. This withdrawal also waives the taxpayer's right to appeal to the IBTR.

**14. If I am successful in my appeal, do I get a refund and is there interest?**

Under Indiana Code 6-1.1-26-1.1, a person (including heirs, personal representatives, or successors) may still file a claim for refund for all or part of property taxes paid. With regard to a property tax appeal, a notice of appeal shall be treated as a claim for refund by the taxpayer and filed as of the date of the final disposition of an appeal. A claim for refund must be filed within the later of 3 years after the tax is paid or 3 years from the date of the final disposition of an appeal for a particular tax year.

A claim for refund must state the claim that a payment was made in excess of the taxes due as established by:

- a determination by the PTABOA, IBTR, Department of Local Government Finance, or a court, for the tax year and parcel on which the taxes were paid, and after such time as all rights of appeal have lapsed;
- proof of an error in the computation of interest, penalties, or delinquent taxes carried forward; or
- proof of an overpayment by the claimant.

A taxpayer may not use this claim for refund to raise a claim that must be raised under Indiana Code 6-1.1-15. Moreover, a taxpayer is not entitled to a refund if the payment has been applied as a credit to later tax liabilities for the property on which the tax was assessed.