

City of Dover
Tax Appeal Committee

TAX APPEAL POLICY

Policy # 3
Date Approved 11/13/06

Title: Procedure For Commercial/Industrial/Income Producing Properties

Background:

Due to the complex nature of all Income Producing Property Appeals, it is important that the City Council's Committee on Tax Appeals establish rules and procedures for applicants to submit and present evidence of valuation for all tax hearings. Additionally, the City Assessor will provide advice and guidance to the Committee on technical appraisal/assessment issues for each case heard.

Below are the fundamental issues that must be understood in order for the Committee to render a fair and equitable decision to both the taxpayer and the City of Dover:

1. The Committee and the Office of City Assessor operate under the presumption of right and is judged to be prima fascia correct and as such, the burden of proof shall be on the applicant to show that the assessment is not correct.
2. The Committee and the Office of City Assessor execute their respective duties and responsibilities predicated upon the laws of the State of Delaware and the City of Dover's Charter and related Tax Ordinances and Policies.
3. The professional standards of appraisal and assessment are of those of the International Association of Assessing Officers (IAAO) , the Appraisal Institute (AI) and the Uniform Standards of Professional Appraisal Practices (USPAP) dated July 2006, and all subsequent amendments thereto, of the Appraisal Foundation, as authorized by the United States Congress, as the source of Appraisal Standards and Appraiser Qualifications.
4. All commercial/industrial/income producing property appeals shall have, as the basis of their evidence, a self-contained written appraisal report prepared and submitted for Ad Valorem tax relief, and must be in compliance with the aforementioned standards.
5. All appraisals submitted for Property Tax Appeal hearings shall name the City Assessor and the City Council's Committee on Tax Appeals as the "intended users".¹

¹USPAP

Recommended Procedures for the Processing of all Commercial/Industrial/Income Producing Property Appeals:

1. All appraisers submitting appraisals for the purpose of a Commercial/Industrial/Income Producing property for an Ad Valorem Tax Appeal, shall be:
 - a. "A Certified General Real Estate Appraiser" .
 - b. Must have a current license issued by the Delaware Council on Real Estate Appraisers, " a letter of good standing" and a copy of the certification/licenses for each State in which the Appraiser is certified or licensed.

All out of state appraisers, not certified with the State of Delaware, shall obtain a "temporary practice permit" to perform appraisals in the State of Delaware, in accordance with the following:

 1. The assignment is an engagement by a client to appraise one or more properties within the City of Dover, State of Delaware.
 2. The appraiser must be licensed or certified in another State.
 3. The appraiser's business in Delaware is of a temporary nature.
 4. The "appraiser's approval certificate" by the Delaware Council on Real Estate Appraisers must be submitted with the appraisal(s).
 - c. The appraiser shall not have any pending complaints, sanctions or adjudications against his/her license with the State of Delaware or any other State wherein they have been licensed.
2. Scheduled hearings for tax appraisal appeals will be held sixty (60) days or more after the complete USPAP appraisal has been submitted to the City Assessor.
3. Applicants must submit six (6) copies of the appraisal report for each separate application under appeal.
4. Certified Appraisers shall be present and give oral testimony of the evidence contained in their respective appraisal reports.
5. A spokesman is to be acknowledged and identified by the Chairman of the Tax Committee at the beginning of the hearing. Thirty minutes shall be set aside to present testimony. If applicant is unable to finish their testimony during this time frame, the applicant must request that the committee table the issue for a future meeting to be scheduled at the Chairmans call.
6. The City Assessor may prepare a technical appraisal review and/or questions predicated upon USPAP and IAAO Standards for each member of the committee to be utilized when questioning the certified appraiser. The City Assessor may brief the committee on the technical appraisal review and questions at a meeting prior to the scheduled hearing. These questions will be of a technical nature and will assist the Committee in judging the credibility and veracity of the appraisal reports. Thirty minutes shall be set aside for the committee's questions.
7. After hearing the testimony of the applicant(s)/appraiser(s), the Committee shall take the matter under advisement with the City Assessor. Thereafter, the Committee shall render a written decision within sixty (60) days of the hearing to the applicant.