

ALERT

Capitol Contact

2018 Virginia General Assembly



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Monday, February 12, 2018

Capitol Contact ALERT – Oppose Bills that Upset Well-Established Real Estate Tax Appeal Processes

[HB 786 \(Keam\)](#) and [HB 787 \(Keam\)](#), as passed by the House, would provide that a taxpayer appealing an assessment of real property would not be required to prove that the assessment is a result of manifest error or disregard of controlling evidence. Manifest error is a long-standing judicial standard that has been consistently applied over the years that reflects the presumption of correctness historically afforded to the assessor.

Action Required – Contact members of the [Senate Finance Committee](#) to oppose HB 786 and HB 787. The bills will be heard soon, perhaps as early as this week.

Courts have avoided picking and choosing among possible values within a range of reasonable valuations by presuming that the assessor's valuation is correct unless manifest error can be demonstrated. The manifest error standard has traditionally set a high bar for the courts to intervene in assessment disputes. This legislation would make a major change to this long-standing policy.

KEY POINTS

- HB 786 and HB 787 would gut the long-standing presumption of correctness afforded to real property assessments. Without this presumption of correctness, judges will be required to pick among competing experts'

opinions of property values, all of which, under current law, may be within the range of reasonable disagreement.

- Removing the manifest error standard will invite large numbers of appeals of cases where the contested valuation is a matter of differing opinions among experts. This would increase the number of cases litigated, adding a burden to courts and localities.
- The current law has resulted in a consistent process to resolve these cases, and up-ending the system will cause confusion and protracted litigation.

KEY CONTACTS

Senate Finance Committee: [Norment \(Co-Chair\)](#), [Hanger \(Co-Chair\)](#), [Howell](#), [Saslaw](#), [Lucas](#), [Newman](#), [Ruff](#), [Wagner](#), [McDougle](#), [Vogel](#), [Carrico](#), [Obenshain](#), [Barker](#), [Dunnavant](#), [Stuart](#), [Dance](#)

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