

# Personal Property Appeals Procedures

Owners of taxable personal property are given many opportunities to have their personal property valuations reviewed and appealed. The steps necessary for proper review and appeal are commonly referred to as "taxpayers' administrative remedies." It is the taxpayer's responsibility to initiate and pursue these administrative remedies.

## Notices of Valuation

The administrative remedies process starts with the mailing of the Notice of Valuation (NOV), which lists the previous year's total actual value, the current year's total actual value and the amount of such adjustment in value. The NOV's for personal property are mailed no later than June 15th. NOV's must be mailed by the assessor to each personal property owner every year. It is the taxpayer's responsibility to review the NOV and pursue the following administrative remedies if the taxpayer disagrees with the value assigned to the personal property by the assessor.

## Assessor Hearing

To receive a hearing before the assessor between June 15 and June 30, the owner or the owner's agent must file a protest with the assessor. The taxpayer may contact the assessor in person, in writing or on-line. All protests are considered timely filed if they are postmarked or made in person by June 30, or the next business day if June 30 falls on a holiday or weekend. If a representative or agent is used by the owner, a letter of authorization or other document that conveys agency authorization from the owner or the owner's authorized agent must be obtained. Owners acquiring personal property after January 1 of the current assessment year have the right to file a protest of the value the assessor has assigned to the newly acquired personal property. In such cases, the assessor will schedule a physical inspection of the property as soon as possible and use the list of property obtained during the inspection to determine its correct actual value. Any written protest or objection to valuation received during the protest period must be answered with a Notice of Determination. The assessor must respond in writing to any personal property protest no later than the last working day in August.

## Appeal to County Board of Equalization (CBOE)

If you disagree with the Assessor's determination, you can file a written appeal with the County Board of Equalization (CBOE) on or before September 15. Beginning on September 1, the CBOE will sit to hear appeals from value determinations made by the assessor. The taxpayer must be notified of these hearings, must be given the opportunity to attend, and must be allowed to present witnesses and other evidence. The CBOE must conclude hearings and render value decisions on or before October 27th and must mail their determination within five business days of making their decision.

## Higher Level Appeals

When taxpayers disagree with the decision of the CBOE, they may appeal in one of three ways, Binding Arbitration, the Board of Assessment Appeals, or District Court. Binding Arbitration is a hearing before a qualified professional who presides over the appeal. No appeals from the decision of the arbitrator are permitted. The Board of Assessment Appeals (BAA) hearing is a de novo hearing, meaning that it is a new hearing based upon evidence submitted. The CBOE and the taxpayer both present cases for the record before the BAA, which is a division of the State Department of Local Affairs. The decision of the CBOE may also be appealed to the district court of the county wherein the property is located. The hearing before the district court is a trial de novo and each party must present its case for the record.

If the property owner has appealed to the Board of Assessment Appeals or District Court and still disagrees with the decision, the petitioner may, within 45 days petition the Colorado Court of Appeals for judicial review.

Taxpayers who have not exercised the statutory rights of appeal previously listed, may petition for a change in valuation through the abatement or refund procedure. Abatements may be granted in cases of overvaluation but cannot be granted if the valuation was protested during the assessment year in question, or if a declaration was not filed in a timely manner.