Motion urging California Governor Gavin Newson to issue an Executive Order to toll the two-year Assessment Appeal hearing deadline plus 120 days after the dissolution of the Shelter in Place.

WHEREAS, On February 25, 2020, Mayor London N. Breed declared a State of Emergency in the City and County of San Francisco in response to the increase of novel coronavirus (COVID-19); and

WHEREAS, On March 4, 2020, California Governor Gavin Newsom issued a Proclamation of a State of Emergency to address the health emergency statewide; and

WHEREAS, On March 11, 2020, the San Francisco Health Officer issued a Declaration of Local Health Emergency, Order No. C19-05; and

WHEREAS, On March 12, 2020, the Governor issued Executive Order N-25-20 ordering that residents heed the orders of state and local public health officials, including but not limited to the imposition of social distancing measures; and

WHEREAS, On March 13, 2020, the Health Officer issued Order No. C19-05b (revised), Declaration of Local Health Emergency in the City and County of San Francisco; and

WHEREAS, On March 16, 2020, the San Francisco Health Officer issued Order No. C19-07, directing all individuals living in the county to shelter in place of residence except to provide certain essential services or engage in certain essential activities and work for essential business and government services (shelter in place); and

WHEREAS, In accordance with the local and state shelter in place orders, the San Francisco Assessment Appeals Board has not resumed in-person public hearings; and
WHEREAS, California Revenue and Taxation Code, Section 1604, states “a hearing must be held and a final determination made on the application within two years of the timely filing of an application for reduction in assessment submitted pursuant to subdivision (a) of Section 1603 of the Revenue and Taxation Code, unless the applicant or the applicant's agent and the board mutually agree in writing or on the record to an extension of time; if the hearing is not held and a determination is not made within the time specified of this regulation, the applicant's opinion of value stated in the application shall be conclusively determined by the board to be the basis upon which property taxes are to be levied;” and

WHEREAS, As of June 30, 2020, the City and County of San Francisco Assessment Appeals Board has approximately 1,000 outstanding assessment appeal cases with both appeal deadlines approaching and waived in fiscal years 2020-2022 with an estimated value of $15.7 billion in difference between the Assessor’s value on roll and the taxpayer’s opinion of value; and

WHEREAS, The Assessment Appeals Board expects to receive additional appeals filings through the annual filing period through September 15, 2020, and in the course of the year; and

WHEREAS, On June 12, 2020, the California Association of Clerks and Elected Officials (CACEO) requested Governor Newsom consider issuing an Executive Order, notwithstanding Revenue and Taxation Code, Section 1604, ordering the 2-year deadline by which a County Board must render a decision in an assessment appeal shall be extended and tolled for the duration of the health emergency, as defined by state or county declarations of emergency, whichever is of longer duration, plus 120 days after the termination of emergency; and
WHEREAS, If the 2-year deadline is not met as stated under the current Revenue and Taxation Code, Section 1604, the City and County of San Francisco could experience additional revenue impacts; and

WHEREAS, Issuance of an Executive Order to toll the 2-year deadline provides local Assessment Appeals Boards with the flexibility to meet statutory deadlines and develop hearing protocols that protect public health in the midst of an active global health pandemic; and

WHEREAS, The intent of the San Francisco Assessment Appeals Board is to begin hearing assessment appeals cases by October 2020 and the issuance of an Executive Order will not prohibit the San Francisco Assessment Appeals Board from proceeding with scheduling hearings in an orderly fashion; now, therefore, be it

MOVED, That the Board of Supervisors urges Governor Gavin Newsom to waive and suspend the provisions of the Revenue and Taxation Code, Sections 1604 and 1603(a), to extend and toll for the duration of the COVID-19 health emergency - as defined by the state or county declarations of emergency, whichever is later - plus 120 days after the termination of the emergency; and, be it

FURTHER MOVED, That the Clerk of the Board of Supervisors, upon passage of this Motion, is directed to transmit copies of this enacted Motion to Governor Gavin Newsom.
Motion urging California Governor Gavin Newson to issue an Executive Order to toll the two-year Assessment Appeal hearing deadline plus 120 days after the dissolution of the Shelter in Place.

July 21, 2020 Board of Supervisors - APPROVED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200779

I hereby certify that the foregoing Motion was APPROVED on 7/21/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board