



## Loudoun County, Virginia

Board of Equalization (MSC #41)

1 Harrison Street, S.E., 4th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0289 • Fax (703) 777-0567

### **APPEALING YOUR REAL ESTATE TAX ASSESSMENT**

*How to appeal the assessed value of residential properties – a guide for Loudoun County property owners*

#### **1. INTRODUCTION**

The property taxes you pay are based on your property's annual assessed value, as determined by the Office of the County Assessor. If you disagree with the Assessor's value, you may appeal that value to the Loudoun County Board of Equalization.

This guide describes what you should do to appeal your assessment to the Board of Equalization. If you have questions that are not answered here, please contact the Board of Equalization.

The information in this guide has been prepared by the Loudoun County Board of Equalization.

#### **2. THE ROLE OF THE LOUDOUN COUNTY BOARD OF EQUALIZATION**

The Loudoun County Board of Equalization (or BOE) is an independent body, separate and apart from the Board of Supervisors and the Office of the County Assessor. Its purpose is to hear and review sworn testimony from property owners who believe their annual real estate assessment does not reflect a fair and equal valuation. Virginia law provides relief procedure to appeal said assessment by the establishment of this independent board. The BOE does not make assessments, nor does it set the tax rate. The members of the BOE are Loudoun County "freeholders" who have been appointed by the Judges of the Loudoun County Circuit Court. Nevertheless, all assessments are presumed to be correct until sufficient evidence to the contrary is presented by the property owner to the BOE.

The BOE can:

- Affirm, lower or raise a property's assessed value.

The BOE cannot:

- Reduce your property's assessed value simply because you are paying more taxes than your neighbor.
- Remove penalties and interest for late payment of property taxes.
- Reduce your taxes due to your inability to pay.
- Fix the tax rate, levy taxes, or change tax rates.
- Grant or deny exemptions.
- Extend filing periods.
- Rehear an issue already ruled upon in the current calendar year.

#### **Other Considerations Before You File**

*Who can file an appeal?*

An assessment appeal can be filed by the property owner or anyone that the property owner authorizes to act on his/her behalf; this person becomes the "appellant". An application may also be filed by an authorized agent or representative. If an application is filed by an agent, the law requires written authorization by the property owner.

*What form should I use?*

**Residential filers may elect to submit their application on-line, and are strongly encouraged to do so. Commercial filers, please refer to the special instructions below under the heading “Filing Commercial Appeals.”** Entry of the appealed property pin number on the on-line form triggers automatic population of many fields on the form, saving the filer time, and improving accuracy of the submission. Entry of comparable property pin numbers provides the same benefits. The on-line application is located at <https://inter1.loudoun.gov/boea/appealForm.aspx>. All other appeals can be filed on the “Application for Equalization of 2009 Real Estate Assessment” form, and must be submitted in the original plus six copies. For assistance, please contact the BOE’s Administrative Assistant at (703) 777-0289, or email at [boe@loudoun.gov](mailto:boe@loudoun.gov) or you may download the form from the BOE’s website [www.loudoun.gov/boe](http://www.loudoun.gov/boe)

*What if I reach an agreement with the Office of the County Assessor prior to the hearing?*

If you reach an agreement with the Assessor’s Office regarding your assessment, please notify the BOE in writing not later than three (3) business days prior to the hearing to withdraw your appeal. If you have been offered a reduction in your assessment by the Office of the County Assessor and still appeal it to the BOE, the settlement offer is no longer valid.

*May I withdraw my application?*

You are permitted to withdraw your application up to three (3) business days prior to the hearing. This request to withdraw must be in writing with the signature of the owner or authorized representative. If the withdraw request is not received within the three (3) business day time frame, then the BOE may proceed to hear the appeal as scheduled in the same manner as if no one appeared on behalf of the property owner.

*May I submit one application for more than one property?*

No. You must file a separate appeal application for each parcel.

*Do I have to pay my property taxes if I disagree with my property’s assessed value?*

Yes. You are required to pay your property taxes timely, despite any appeal you have pending. Failure to do so will cause you to incur financial penalties and interest charges regardless of the final outcome of your appeal. If you are granted a reduction, you will receive a refund.

*If I appeal for a lowered assessment, can the BOE raise the assessed value?*

Yes. Based on the evidence, the BOE can increase, as well as decrease, an assessment.

### **3. PREPARING YOUR APPEAL CASE FOR THE BOARD OF EQUALIZATION**

#### **Obtain the Correct Application**

For purposes of clarity, your appeal must be filed on the official BOE appeal form. This form contains a “snapshot” for the board members reviewing your appeal, with all the pertinent facts, figures, and information supporting your claim. You are encouraged to use the on-line form to submit your appeal, or you may obtain a copy of the Application for Equalization of 2009 Real Estate Assessment form from the BOE’s Administrative Assistant at (703) 777-0289, or you may download and print the appeal form from the BOE’s website at [www.loudoun.gov/boe](http://www.loudoun.gov/boe).

#### **Admissible Evidence**

The Board will consider evidence submitted on-line or with a mailed application. Additional written information you wish to submit must be received by the BOE not later than fifteen (15) days prior to your scheduled hearing. The board will not consider written information submitted after the fifteen (15) day deadline or documents brought to the Hearing.

The types of evidence you can submit may take several forms, including but not limited to:

- Assessment values of comparable properties (including owners’ names, and tax map or PIN numbers). Please note that three sales or assessed value comparables must be included with your submission.

- Sale prices of comparables properties that sold during the prior year (including owners' names, tax map or PIN numbers). Sales from the last half of the prior year are considered to be the best indicator of fair market value. Please note that three sales or assessed value comparables must be included with your submission.
- An appraisal of your property completed prior to the end of the year. completed by a licensed Real Estate Appraiser.
- Plats showing easements.
- Documentation of floodplain, mountain land, general topography, and percolation limitations provide by the Office of Mapping. All information is available on the Assessment Link of the County's website ([www.loudoun.gov](http://www.loudoun.gov)).
- Photographs that show property damage – both interior and exterior – steep slopes, or grading issues.
- Comparable square footage, acreage and similar construction.
- Map clearly indicating the appealed property and each comparable. This map is required to be included in your submission.

### **Evidence to Support Your Opinion of Your Property's Value**

There are three basic methods used by appraisers to find the value of property: comparable sales of similar properties; replacement cost less depreciation; and the income and expense approach. In most residential appeals, the most reliable type of evidence to support your opinion of "fair market value" is the sale of properties similar to yours. These are called "comparable properties."

Before you begin to gather evidence about comparable properties, you should gather information about your own property. Determine the age, building size(s), lot size, and so forth for your property first, and then compare that information with the Assessor's information for your property. You can obtain information about your property by accessing the County's assessment/parcel database for a more general print out at [www.loudoun.gov](http://www.loudoun.gov).

### **Filing Commercial Appeals**

**Commercial Filers must start with the on-line filing form. Fill in the pin number of the subject property. Click on the box providing the rationale for your appeal. Then fill in the pin numbers for your best three comparables. DO NOT CLICK ON THE "SUBMIT" BUTTON. INSTEAD, CLICK ON THE "PRINT, SIGN AND MAIL" BUTTON. Then print the form and file the original and six copies together by mail no later than the June 1, 2009 deadline. Your appeal must include the following three analyses, and a concise summary of the reasons why you seek relief from the BOE.**

- **A market comparable analysis of the subject property with a map depicting the location of the subject and all comparables.**
- **A 2008 Income and Expense analysis of the subject property**
- **A cost approach analysis**

**Please do not include extraneous material, such as newspaper articles reporting real estate trends, as they have little relevance to a specific property.**

### **Comparative Sales Approach to Value**

"Comparable sales" are sales of other properties that are similar to yours. Three (3) different standards are used to judge the comparability of the properties you submit as evidence. Criteria includes:

- Arm's length transactions?  
The term "Arm's length transaction" refers to conditions surrounding the sale. Was the property exposed for sale on the open market? Was the property available for sale to anyone? Did the

seller have to sell quickly? Was the property listed for sale with a Realtor? Did the buyer and seller know each other? For example, a house sold between relatives may sell for less than if it were sold to someone the seller did not know. In that situation, a sale may not be an “arm’s length transaction.”

- Are the properties physically similar to your property?  
Measurements of the physical similarities include, but are not limited to the following:
  - Distance from your property.
  - Zoning.
  - The number of bedrooms and bathrooms.
  - Year built.
  - Size of the improvements; improvements are the house & any additions, outbuildings, structures, etc. that are on your parcel of land. The square footage of each of these structures needs to be determined and checked against what is in the Assessor’s database of information. The Office of the County Assessor determines your square footage by measuring the exterior of the home.
  - Lot size and other attributes, such as a view, river front, or golf course.
  - Miscellaneous improvements, such as a pool, patio, or deck.
  - Quality of construction (i.e., construction materials).
  - Property condition – excellent, good, fair, or poor.
- Are the comparable sales relevant for the valuation date of the property you are appealing?  
State code requires that the BOE only consider comparable sales prior to the date of valuation. The date of valuation is January 1 of the current tax year. Therefore comparable sales that occurred up until that date are considered to be the most relevant. Sales after that date cannot be considered by the BOE. Attempting to submit sales that occurred after the prior tax year is the most common error among all assessment appeals. The Code of Virginia specifically prohibits the Board of Equalization from considering such evidence.

#### **Where to Find Comparable Sales Data**

You can find comparable sales data on the assessment/parcel database located on the Loudoun County website [www.loudoun.gov](http://www.loudoun.gov).

Additional sources of data include local real estate agents and brokers, real estate appraisers, and mortgage brokers. If you use one of these other sources for data, you should ensure that they find comparable sales appropriate for the valuation date of the property you are appealing. The valuation date, per the Virginia State Code, is January 1 of the affected tax year. Therefore, sales after that date cannot be considered by the BOE.

Be sure to obtain the full address, tax map number and PIN number for each comparable sale you plan to present as evidence.

You should drive by the comparable properties to determine the similarities and differences between each comparable sale and your own property. Photographs may also help to illustrate your case for the BOE.

Applicants are required to submit three comparable properties that best support their appeal and a map displaying the appealed property and each of the three comparables. Residential filers submitting on-line may wish to attach the map to their on-line submission, or alternatively, may mail the map to the BOE, clearly indicating the pin number of the appealed property on the map.

You should be prepared to discuss the similarities and differences between your comparable sales and your property. The BOE will be interested in things such as similarity in design, zoning, use, location, square footage of the improvements, acreage, or other factors that may affect the value.

#### **Exchange of Information**

An exchange of information, initiated by the BOE, ensures that both you and the Office of the County Assessor are aware of any information that will be presented at the hearing. The appeal form along with any evidence that is received by the BOE is sent to the Assessor's Office. Any information prepared by the Assessor's Office and received by the BOE will be mailed to the Appellant prior to the Hearing date. . On-line filers will be notified by message, with a link to the Assessor's information.

All information that will be considered by the BOE must be submitted and postmarked with your appeal no later than the June 1 filing date. Any additional information you wish to present, including photographs, maps, easements, etc., must be received by the BOE's Administrative Assistant no later than fifteen (15) business days prior to the scheduled hearing date. No additional written evidence, photographs, maps, etc. will be reviewed or considered by the board at the hearing.

#### **4. YOUR ASSESSMENT APPEAL HEARING**

##### **Notice of Hearing**

After receiving your properly completed application, the Administrative Assistant to the Board of Equalization will schedule a hearing. You and/or your agent will be notified of your hearing date and time.. On-line filers will be provided notification of Hearing date and time by email. Residential appellants filing on-line will normally be scheduled first on the Hearing calendar.

The BOE is required by law to hear and decide all appeals by the end of the calendar year.

##### **Attending the Hearing**

Appeal hearings are not as formal as a court of law. You are not required to have an attorney or an agent represent you. However, you, as the property owner, must personally attend the hearing, unless you notarize the appeal form prior to submitting it to the BOE, or you have representation by someone thoroughly familiar with the facts of your appeal. If a representative attends on your behalf, you are required to provide written authorization prior to the hearing that a representative will be attending on your behalf.

Hearings are open to the general public. You may find it helpful to observe other appeal hearings before presenting your own case. The BOE advertises hearing dates in the Leesburg Today and Loudoun Times Mirror newspapers, as well as placing the Public Notices on their website [www.loudoun.gov/boe](http://www.loudoun.gov/boe).

##### **Burden of Proof**

Your property tax assessment is presumed to be correct, according to Virginia law statues. The Code of Virginia Article 14 Section 58.1-3379C, states that "the burden of proof shall be upon a taxpayer seeking relief to show that the property in question is valued at more than its fair market value, that the assessment is not uniform in its application, or that the assessment is otherwise not equalized. In order to receive relief, the taxpayer must produce substantial evidence that the valuation determined by the Assessor is erroneous and was not arrived at in accordance with generally accepted appraisal practice."

##### **Hearing Procedures**

The order of procedure for a hearing before the Loudoun County Board of Equalization is as follows:

- i. Swearing-in of witnesses. All persons who intend to testify before the BOE shall be duly sworn.
- ii. Presentation of the property owner's case, including testimony of witnesses and presentation of documentary evidence (maximum time allowed is 20 minutes).
- iii. The BOE may ask questions of any witness to clarify points made during the testimony (maximum time allowed is 5 minutes).

##### **Reaching a Decision**

The Board of Equalization will base its decision on the evidence presented by you and the Assessor's Office at the hearing.

**Notice of Decision**

Once the BOE has reached a decision, the property owner, the authorized agent, and the Assessor's Office will receive written notification (VA Form 907) of the decision within ten (10) business days after having reached a decision. All changes in the assessment value will be effective retroactively to January 1, 2009.

**5. FURTHER APPEAL RIGHTS**

A decision made by the Board of Equalization is final – that is, the BOE, under their adopted rules of procedure, will not rehear or reconsider any appeal application once ruled upon in the current calendar year.

If you wish to appeal the board's decision, you must appeal your Real Estate Assessment to the Loudoun County Circuit Court. Generally, this process requires the advice and guidance of an attorney.

If you wish to represent yourself in court, but are unsure as to how to proceed, you are encouraged to visit the Loudoun County Law Library. The Law Library, managed by the Clerk of the Circuit Court, offers a collection of United States and Virginia statutes and law books. It is open to the public every Monday, Wednesday, and Friday between 9:00 AM and 4:00 PM. The law librarian does not offer legal advice, but assists in locating legal information and sample legal forms.

**Loudoun County Law Library**  
**18 East Market Street**  
**(Corner of King and Market Streets)**  
**Leesburg, VA 20176**  
**Phone: (703) 777-0695**

If you wish to obtain legal counsel to represent your case in court, you are encouraged to contact the Loudoun County Bar Association for a list of referrals.

**Loudoun County Bar Association**  
**P.O. Box 201**  
**Leesburg, VA 20178**  
[www.loudounbar.org](http://www.loudounbar.org)

**6. ADDITIONAL QUESTIONS**

If you have any additional questions, please refer the Loudoun County Board of Equalization's website located at [www.loudoun.gov/boe](http://www.loudoun.gov/boe) or call the board's Administrative Assistant at (703) 777-0289.

**Loudoun County, Virginia**  
**Board of Equalization**  
**1 Harrison Street, SE – 4<sup>th</sup> Floor (MSC #41)**  
**P.O. Box 7000**  
**Leesburg, Virginia 20177-7000**  
**Phone: (703) 777-0289**  
**Fax: (703) 777-0567**  
**Email: [boe@loudoun.gov](mailto:boe@loudoun.gov)**  
**Website: [www.loudoun.gov/boe](http://www.loudoun.gov/boe)**