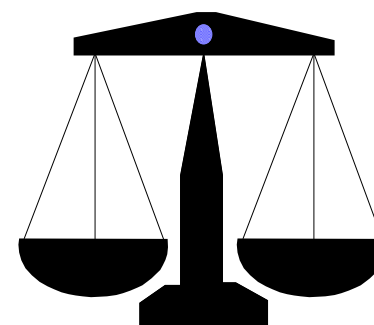


**The
North Carolina**

**PROPERTY TAX
COMMISSION**



**Questions and Answers
Concerning the Commission
And the Appeal Procedure**

**N. C. Property Tax Commission
P. O. Box 871
Raleigh, NC 27602**

Telephone (919) 814-1129

THE INFORMATION INCLUDED IN THIS BROCHURE IS INTENDED TO PROVIDE PROPERTY OWNERS WITH A GENERAL

UNDERSTANDING OF WHAT MUST BE DONE TO PURSUE AN APPEAL TO THE NORTH CAROLINA PROPERTY TAX COMMISSION. IN ADDITION, INFORMATION IS PROVIDED EXPLAINING THE HEARING PROCEDURE AND THE OPERATIONS OF THE COMMISSION.

QUESTION: *What is the Property Tax Commission?*

ANSWER: The Property Tax Commission is the trial court of record in property tax cases within its jurisdiction. It is authorized to hear appeals from listing and appraisal decisions of county boards of commissioners and boards of equalization and review, and from orders of county boards of commissioners adopting schedules, standards and rules for use in reappraisal programs. It also hears appeals by public service companies from the appraisal of their property by the Department of Revenue. The Commission is composed of five members; three appointed by the Governor and one each by the Senate President Pro Tempore and the Speaker of the House.

QUESTION: *How and when are appeals to the Property Tax Commission due to be filed?*

ANSWER: A notice of appeal to the Commission from a local property tax decision must be in writing. If you wish to appeal the county's decision to the Property Tax Commission, you may either: 1) go online to the Dept. of Revenue's website at: <https://www.ncdor.gov/documents/av-14-notice-appeal-and-application-hearing> and complete the Notice of Appeal and Application for Hearing (Form AV-14) or 2) send a signed letter stating the grounds for the appeal and identifying the property being appealed. The Commission will then mail you Form AV-14, which you must complete and return to the Commission within 30 days from the date of the Commission's letter. **A copy of the county's decision must accompany your appeal.** The appeal must be signed by the property owner or the property owner's attorney; or if the property owner is a business entity, by: (i) officer, (ii) manager or member-manager, if the business entity is a limited liability company,

(iii) employee whose income is reported on IRS Form W-2, if the business entity authorizes the representation in writing, or (iv) owner of the business entity, if the business entity authorizes the representation in writing and if the owner's interest in the business entity is at least twenty-five (25%. In the case of a partnership or corporation, a notice of appeal must be signed by a general partner of a partnership, an officer of a corporation, or an attorney for the organization. In all cases, a copy of the notice of appeal must be sent to the county assessor and the county attorney at the time the appeal is filed with the Commission.

Appeals to the Property Tax Commission from orders of boards of equalization and review or from boards of county commissioners (other than orders adopting uniform schedules of value) must be filed within 30 days after the board has mailed notice of its decision. Appeals from an order adopting schedules of value must be filed in accordance with G.S. 105-290 (c) and (e).

A notice of appeal submitted by a means other than United States mail (i.e., hand delivery, FedEx, United Parcel Service, etc.) is considered to be filed on the date it is received in the office of the Commission. A notice of appeal submitted by United States mail is considered to be filed on the date shown on the postmark stamped by the U. S. Postal Service. If there is no USPS postmark, or if the USPS postmark does not show the date of mailing, or if the appeal bears postage affixed by an interoffice postage meter, the appeal will be considered to be filed the date it is received in the office of the Commission.

QUESTION: *What are grounds for an appeal?*

ANSWER: Valuation Decisions – Grounds for appealing “valuation” decisions are generally (1) that the property has been appraised at a figure in excess of its true value in money or (2) that the property has been appraised at a greater percentage of its true value in money than other similar property in the county. An increase in value, by itself, is not a basis for appeal.

Listing Decisions – Grounds for appealing “listing” decisions are (1) the property is not taxable, (2) the property has been assessed against the wrong person, or (3) procedural requirements have not been met.

Schedules of Values – Orders adopting schedules, standards, and rules may be appealed on the ground that their application will not result in the appraisal of all real property in the county at its true value in money.

QUESTION: *Where are appeals heard?*

ANSWER: Hearings before the Property Tax Commission are generally held in Raleigh, N. C.

QUESTION: *Who must appear at the hearings?*

ANSWER: In order to pursue an appeal, the property owner (or his attorney) must appear at the hearings. Individual property owners are allowed (but not encouraged) to represent themselves at Commission hearings. One family member may not represent another; nor may an attorney-in-fact represent the grantor of the power.

Corporate taxpayers and Limited Liability Companies must be represented by an attorney licensed to practice law in North Carolina or by a nonattorney as provided in N.C. Gen. Stat. § 105-290(d2) at a hearing before the Commission. Form AV-63 is available on the Commission website. A trustee may appear for a trust and a “general partner” may appear for a partnership.

QUESTION: *How are hearings conducted?*

ANSWER: Hearings before the Property Tax Commission are “de novo” (new hearings) and are not merely a review of the hearing that was heard by the county board. In hearings involving “valuation,” the county's appraisal is generally presumed to be correct. Of course, the presumption is only one of fact and is therefore rebuttable. A taxpayer may rebut this presumption by produc[ing] competent, material and substantial evidence that tends to show that: (1) Either the county assessor used an arbitrary method of valuation; or (2) the county tax assessor used an illegal method of valuation; and (3) the assessment substantially exceeded the true value in money of the property. All testimony is given under oath and is recorded by the court reporter. Decisions of the Commission are made in the form of an order setting forth its findings of fact and conclusions of law. Appeals from Commission decisions are to the Court of Appeals and are based on the record made at the hearing.

Property Tax Commission Website:

<https://www.ncdor.gov/taxes/north-carolinas-property-tax-commission>