

# MEMORANDUM



**DATE:** August 27, 2021

**TO:** Assembly Finance Committee

**FROM:** Jeff Rogers, Finance Director

**SUBJECT:** Update on Commercial Assessment Appeals

155 Municipal Way  
Juneau, AK 99801  
Phone: (907) 586-5215  
Fax: (907) 586-0358

As part of the annual determination of full-and-true value required by AS 29.45.110, the CBJ Assessor identified through a Ratio Study process that commercial land assessments were significantly lower than known qualified sales prices. As a result of this statistical analysis, the Assessor increased the base land assessment of all commercial parcels by 50%. This increase resulted in 207 commercial appeals, which are now being reviewed by the Assessor, and the Board of Equalization process is underway.

For information about the assessment process and adjustments made in the 2021 assessment year, I recommend you to the following resources:

- A. [2021 Assessment Presentation](#), presented to the AFC on April 21, 2021
- B. [2021 Assessment Value Summary Report](#), presented to the AFC on April 21, 2021
- C. Board of Equalization 2021 Training [Packet](#) and [Recorded Video](#)

At a summary level, I believe these are three primary takeaways for the Assembly:

1. 2021 commercial assessment changes are intended to correct a *systemic economic inequity*
2. CBJ is following the appeal process defined in state and local law
3. Information is key, and *disclosure of sales prices* would significantly improve assessment equity

## #1 Correcting Systemic Economic Inequity

Commercial land assessments remained generally flat from 2011 to 2021 while residential assessments inched upward with market conditions. For example, if someone bought a \$300,000 home in 2011, they saw their assessed value march upward by as much as 5% per year. Someone else who bought a \$300,000 parcel of vacant land in 2011 has likely seen no increase in assessed value, even though the market value of the parcel has almost certainly appreciated. In that example, in 2020, the homeowner might have paid property tax on over \$400,000 of assessed value while the commercial landowner was still paying property tax on the \$300,000 assessment from a decade ago. In that narrow example, the residential homeowner could be paying 33% more property tax than the commercial landowner, even though their parcels were assessed similarly ten years ago and could have more similar market values today. Over time, this failure to keep commercial property assessments in line with market prices shifted the property tax burden from commercial landowners to residential homeowners. As a result, commercial landowners simply have not paid their fair share of property tax over the past decade. This tax shift represents a *systemic economic inequity* that the 2021 assessments are intended to correct.

## #2 Appeal Process is Defined by State and Local Law

Property tax assessments and appeals are subject to a process that is highly defined in the law under AS 29.45.190 – 29.45.210 and code requirements of CBJ 15.05. If a property owner believes their property is improperly assessed, they have recourse to the Assessor and then to the Board of Equalization (BOE). For each appeal, the law requires the Assessor to produce summary of assessment data relating to each assessment that is appealed under AS 29.45.190(d) and CBJ 15.05.170. The work to prepare this information for the BOE, by parcel and by appellant, is ongoing and will be completed before hearings are scheduled for each individual appellant. This information will be timely available to appellants before their hearings. The law further allows appellants and the Assessor to appeal decisions of the BOE to superior court. CBJ is following that defined process. All commercial appellants are encouraged to share information with the Assessor that will assist with equitably determining the

full-and-true value of their parcels. As a reminder, under AS 29.45.210(b) (and CBJ 15.05.190): “The appellant bears the burden of proof. The only grounds for adjustment of value are proof of unequal, excessive, improper, or under valuation based on facts that are stated in a valid written appeal or proven at the appeal hearing. If a valuation is found to be too low, the board of equalization may raise the value.”

### #3 How Can We Do It Better?: More Disclosed Sales Prices

The most significant factor that would improve the accuracy of all assessments is *disclosure of sales prices*. As [reported to the Assembly Finance Committee on June 2, 2021](#), the ordinance requiring disclosure of sales prices has not significantly changed behavior—the Assessor receives approximately the same number of disclosures today as they did before the law required them. Many current commercial appellants have taken issue with the relatively small sample (53 sales) used in the commercial ratio study. Indeed, the Assessor could draw better conclusions from the analysis of a larger sample size, which can only be achieved by the disclosure of a greater number of sales prices. That said, we can’t simply wish for more or better data, because that is exactly why commercial land assessments haven’t increased for the past decade. The Assessor had to act on the sales data that was available and qualified—and that sales data pointed to significant undervaluing of commercial land borough-wide.

### The Universe of Commercial Appeals and the History of their Land Assessment

Attached you’ll find a report of 188 commercial appeals. This list represents all of the active (open, unresolved) appeals at the time the data was pulled from the system—some appeals on the list may have been corrected or withdrawn since the time this data was run. It’s a lot of data, but we have attempted to demonstrate the land valuation history of these 188 appealed parcels over the past ten years. In the columns on the left hand side, you’ll see the land assessment for each parcel from 2011 to 2021—ten years. In the columns on the right hand side, you’ll see the *cumulative* land assessment increase/decrease of those parcels since 2011.

These commercial appeals have been sorted from greatest-to-least *cumulative* land assessment increase/decrease since 2011. Here is a brief summary:

1 <sup>st</sup> Page	48 appealed parcels	<i>Cumulative increases</i> in land assessment from 2011 to 2020
2 <sup>nd</sup> Page	47 appealed parcels	<i>No cumulative change</i> in land assessment from 2011 to 2020
3 <sup>rd</sup> – 4 <sup>th</sup> Page	61 appealed parcels	<i>Cumulative decreases</i> in land assessment from 2011 to 2020
4 <sup>th</sup> Page	16 appealed parcels	<i>Cumulative decreases</i> in land assessment, even after 50% increase in 2021
4 <sup>th</sup> Page	16 appealed parcels	Brand new parcels in the 2021 assessment year

Every one of these appeals will be handled with equal professional rigor and integrity by the Assessor. However, this report helps to demonstrate that less than one-quarter of these appealed commercial land parcels has seen any land valuation increase in the past decade. Speaking generally, parcels nearer to the top of the list (1<sup>st</sup> page) may be somewhat more likely to be over-assessed as a result of the 50% increase because they had some level of land assessment increase in the past decade. These parcels may be more likely to receive a correction to their land assessment through the Assessor’s process of review upon appeal. Conversely, parcels on the remaining three pages are less likely to be over-assessed in 2021 because the 50% increase is correcting a decade of no appreciation in land assessment. In fact, many parcels that had cumulative land assessment decreases from 2011 to 2020 may still be under-assessed even after the 50% increase in 2021.

This report gives the Assembly Finance Committee a snapshot of the problem that the Assessor confronted in 2021—most commercial land assessments had not increased in a decade or more. This failure to keep pace with market values created a *systemic economic inequity* by shifting the property tax burden from commercial landowners to residential homeowners. CBJ has and will continue to closely follow the law in the administration of valuation appeals. And the single most important thing for improving the equity of assessments going forward is the disclosure of sales prices.

### Summary

There are approximately 14,000 properties in the borough to be assessed each year. More than 98% of those

property owners did not appeal their 2021 assessments. While no one wishes for more appeals than absolutely necessary, this year's appeals are the direct consequence of inadequate information and inadequate adjustment over the last decade.

Because of public feedback from appellants, we have discussed this topic frequently with the public and with the Assembly. State statutes and local ordinances create a process for assessing properties and hearing appeals that is outside the domain of elected officials and their Managers—the tax valuation assessment process has been intentionally designed to be free from the influence of elected officials and their direct employees.

The Assembly and the Manager should remain neutral on the Assessor's valuations. The Assessor has made her best judgements in the face of a decade of stagnated values and a dearth of qualified sales information. The Assessor will always strive for accuracy and equity, and they must ensure public faith in the process. Likewise, appellants may be justified in their appeals. Both parties will have the chance to make their case. As proscribed by law, all commercial appellants are being afforded a legitimate opportunity to provide corrective information to the Assessor and to the BOE.

No action by the Assembly is appropriate at this time.