

**PROPERTY ASSESSMENT APPEAL BOARD
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

PAAB Docket No. 2017-107-10188R

Parcel No. 8947-11-331-035

MELVIN CARLSON,

Appellant,

vs.

SIoux CITY BOARD OF REVIEW,

Appellee.

Introduction

The appeal was submitted for written consideration before the Property Assessment Appeal Board (PAAB) on September 15, 2017. Melvin Carlson is self-represented. Attorney Jack Faith represents the Board of Review.

Melvin Carlson is the owner of a residential property located at 3724 Floyd Boulevard, Sioux City. The property's January 1, 2017 assessment was set at \$102,800, allocated as \$20,900 in land value and \$81,900 in dwelling value. (Ex. A).

Carlson petitioned the Board of Review and wrote in the area of the form reserved for fraud in the assessment. The Board of Review's decision indicates it denied the petition based on this ground.

Carlson appealed to PAAB.

General Principles of Assessment Law

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2017). PAAB is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case.

§ 441.37A(1)(b). PAAB considers only those grounds presented to or considered by the Board of Review, but determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount.

§§ 441.37A(1)(a-b). New or additional evidence may be introduced, and PAAB considers the record as a whole and all of the evidence regardless of who introduced it.

§ 441.37A(3)(a); *see also Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct.

§ 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* Conversely, sale prices of abnormal transactions not reflecting market value shall not be taken into account, or shall be adjusted to eliminate the factors that distort market value, including but not limited to foreclosure or other forced sales. *Id.* If sales are not available to determine market value then "other factors," such as income and/or cost, may be considered. § 441.21(2).

Findings of Fact

As a preliminary matter, we must address what claim is properly before PAAB. Carlson's petition to the Board of Review included an attachment. The attachment discussed the property's condition, its original components and amenities, the need for \$50,000 to \$60,000 in repairs, and Carlson's belief that these issues make it difficult to justify the current assessment. Likewise, Carlson's Appeal to PAAB reiterates the same. For these reasons, PAAB finds Carlson's actual claim, properly raised before the Board

of Review and PAAB, was that the property was assessed for more than authorized by law under Iowa Code section 441.37(1)(a)(1)(a).

The subject property is a one-story home built in 1940 with 1673 square feet of gross living area (GLA) and 400 square feet of standard (low quality) basement finish. It is reported as being in above-normal condition. There is also a detached, two-stall garage and a 256-square-foot shed. The site is 0.273 acres. (Ex. A).

Carlson states the property is mostly in its original condition with the most recent update being new siding in 1952. Because of this, he asserts the house is in bad condition. He estimates it needs \$50,000 to \$60,000 in repairs including windows, kitchen and bathroom updates, furnace and air conditioning, siding, electrical upgrades, drains/plumbing system, garage doors, and repairs to the side-porch from a break-in. Due to these deficiencies, Carlson believes it would be difficult to get the appraised value in its current condition.

The Board of Review submitted no evidence.

Analysis & Conclusions of Law

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995).

Typically, sale prices of the property or comparable properties in normal transactions are used to establish a property's market value, either through an appraisal or other comparable sales analysis. § 441.21. Carlson did not provide such evidence.

PAAB notes, however, that considering Carlson's statements regarding the subject property's condition, it may be prudent for him to request the Sioux City Assessor review and inspect his property for the next assessment year to determine if it is correctly listed in above-normal condition.

Viewing the record as a whole, we find Carlson failed to show the subject property is assessed for more than authorized by law.

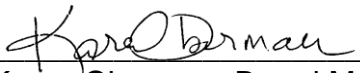
Order

PAAB HEREBY AFFIRMS the Sioux City Board of Review's action.


This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2017).

Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action.

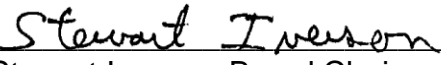
Any judicial action challenging this Order shall be filed in the district court where the property is located within 20 days of the date of this Order and comply with the requirements of Iowa Code sections 441.38; 441.38B, 441.39; and Chapter 17A.



Karen Oberman, Board Member



Camille Valley, Board Member



Stewart Iverson, Board Chair

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