



# STATE OF CALIFORNIA COUNTY OF NEVADA

MARCIA L. SALTER – AUDITOR-CONTROLLER

Auditor-Controller  
950 Maidu Avenue  
Nevada City CA 95959

(530) 265-1244  
Fax: (530) 265-9843  
Email: [auditor.controller@co.nevada.ca.us](mailto:auditor.controller@co.nevada.ca.us)

February 26, 2019

Honorable Board of Supervisors  
Eric Rood Administration Center  
950 Maidu Avenue  
Nevada City, CA 95959

**DATE OF MEETING:** March 12, 2019

**SUBJECT:** Resolution authorizing the Auditor-Controller to implement California Revenue & Taxation Code Section 5105 regarding the processing of specified Property Tax Refunds

**RECOMMENDATION:** Approve the attached resolution.

**FUNDING:** None

**BACKGROUND:** Until recently, the law required certain types of property tax refunds to have a written claim be filed by the taxpayer first before the refund could be made. SB 1246 (sponsored by then Senator Ted Gaines), codified in Revenue & Taxation Code Section 5105, provides that, with the adoption by the Board of Supervisors, certain types of property tax refunds may be made without requiring the taxpayer to first file a written claim. This change to include additional types of property tax refunds would follow those certain types currently allowed under Revenue & Taxation Code Section 4836 for the refund to be made without a written claim being filed by the taxpayer and would further streamline the refund process.

The law effective January 1, 2019 allows for a property tax refund to be granted without a verified claim when:

- There has been no transfer of the property during or since the fiscal year for which the taxes subject to refund were levied and the taxes were collected; and
- The refund is for less than \$5,000. [Rev & Tax Code §5105(a)]

Property tax refunds may only be granted without a verified claim in counties where the board of supervisors adopts a resolution or ordinance allowing such unverified claims to be granted tax refunds. [R&T Code §5105(b)]

The County does retain the option on any specific refund to require a claim to be filed (e.g. if there is concern that refunding a particular party may be the incorrect course of action).

This change in law provides a means to further streamline and modernize the process for expediting property tax refunds to property tax payers for those qualifying situations.

It is recommend that the Board approve the operation of Section 5105 of the Revenue and Taxation Code, and delegate the authority to the Nevada County Auditor-Controller to administer property tax refunds permitted under Section 5105.

Item Initiated and Approved by: Marcia L. Salter, Auditor-Controller