

September, 1981

V.E.P. HOMEOWNERS ASSOCIATION
REPRESENTING OVER 2000 HOMEOWNERS IN VISTAPARK,
ENCORE, ECHO VALLEY, PARKVIEW VALLEY, AND BLOSSOM HEIGHTS

VEP NEWS

The September meeting of the VEP Homeowners' Association will be on Monday, September 28, 1981, at 7:30 pm in the Parkview School Cafeteria (330 Bluefield Drive).

Meeting September 28

This month's meeting of the VEP Homeowners' Association will be an organizational meeting for the 1981 Halloween Happening. We invite all interested people to attend, especially members of school groups that will participate. Our president, John Marks, has contacted the schools already and received an enthusiastic response. If you're one of the enthusiastic responders, come to our meeting and find out how you can spend a few hours working with friendly neighbors to make Halloween a big event for the kids.

SPECIAL ISSUE... IN THIS ISSUE OF THE VEP NEWS YOU WILL
FIND A COMPLETE GUIDE TO PROPERTY REASSESSMENT FROM THE
COUNTY ASSESSOR'S OFFICE.

DEADLINE FOR THE SEPTEMBER ISSUE OF THE VEP NEWS

All articles and ads for the October issue of the VEP NEWS must arrive no later than October 9, 1981. Mail to: Marianne Lent, 450 Stratford Park Court, San Jose, 95136.

HOMEOWNER'S INFORMATION ABOUT PROPOSITION 13

The following set of questions and answers was prepared by the Santa Clara Office of the County Assessor several months ago. It explains some of the new rules and policies on home assessment since Proposition 13. Please note that the courts are still interpreting Prop 13. When in doubt, call the Assessor's Office (299-4347) or consult your lawyer.

TAXPAYER: I thought I understood Proposition 13 when I voted for it, but I just can't keep up with all the new regulations that spell out how it works.

ASSESSOR: It's been difficult. Our office has been flooded with inquiries about what does and doesn't cause reassessment. The Legislature has now spelled out most of the new Proposition 13 rules, and we can give you some information about their effect. We've tried to summarize the most common questions and answers in this article.

Q: I bought my house before 1975. When does it get the next hike in value?

A: Under Proposition 13 the value goes up 2% per year until you change the ownership, enlarge your home, make substantial alterations, or have other new construction.

Q: Why is my tax bill more than the 1% of market value Proposition 13 promised?

A: The proposition specifically allows for the payment of debts previously approved by voters covering sewers, street lights, recreation areas and so on. On the average, this adds another ½%.

Q: I bought my house last year and just got my new tax bill. Why are my taxes so much higher than the seller told me that he paid last year?

A: Each time a property changes ownership it must be reappraised at its market value at the time of the transfer.

Q: I recently bought my first house. Now I find my neighbor's place is bigger and has a pool, but his property tax is \$1,000 less than mine.

A: For a property bought after March 1, 1975, Proposition 13 requires the assessment to be based on what it's worth at the time of sale. Your neighbor probably owned his property before then and it's assessed at its value plus 2% per year.

Q: Am I still entitled to a Homeowner's Exemption?

A: Exemptions were not affected by Proposition 13. All the same rules still apply: A property owner may claim one Homeowner's Exemption in California on the residence in which he or she is the owner and occupant on March 1.

Q: The tax bill on the house I just bought came with the old owner's name on it. When do I receive my first bill?

A: When you bought the house, you acquired the old owner's tax obligations on it,

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too. The taxes were probably prorated in your escrow based upon the number of days you owned it, and the tax bill should be paid when due. The first bill with your name on it will be in the November after you were the owner on March 1.

Q: How is new construction defined?

A: New construction means any addition to real property, or any substantial alteration which converts the property to a different use or which rehabilitates a building or other improvement to the substantial equivalent of new.

Q: What if I alter only part of my home?

A: The rules apply to the portion which is newly constructed. The unchanged part keeps its old value. If the alteration changes the use or makes part of the home equivalent to a new one, we will have to add the value of the alteration.

Q: I've just painted and reroofed my house. Will this raise my taxes?

A: No, you are not reassessed for what is normal repair or maintenance on your property.

Q: I'm changing my wall heater to central forced air heating. How will this affect the taxes?

A: It won't. Replacing an existing heating system with another is not considered new construction.

Q: What about adding a solar heater to my present system?

A: This is an addition, and the value of it will be picked up. However, if the solar system replaces another system -- no appraisal.

Q: We just installed air conditioning. What does that do?

A: Again, we'll add the air conditioning value to the existing assessment.

Q: If I build an extra bedroom are you going to reappraise the whole property on me?

A: No, just value added by the new bedroom is added to your present assessment.

Q: If I put in a swimming pool, will you reappraise the whole property?

A: No, that's the same as adding square footage with a bedroom or den. There won't be a reappraisal of the pre-existing structure or the land, but the value that the pool adds to your existing property value will have to be recognized. This applies to hot tubs, tennis courts, and other similar improvements as well.

Q: What if I remodel the kitchen or bathroom?

A: That would generally not cause reappraisal, unless the work is so extensive that you have the equivalent of a new kitchen or bathroom.

Q: I'm planning to convert our garage to a den, but not add any more area to the house. Do I get a reappraisal?

A: Yes, but just on the value of the converted part, not the whole house. Even though there's no additional footage involved, there is a definite change in the use of part of the structure.

Q: I restored my property after fire damage. I did not add any square footage in doing that, though. Will my taxes go up because there had to be a certain

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- amount of "new construction"?
- A: Not if the quality of the house remains substantially the same. (Note: new materials do not necessarily change the quality.) If you add footage or upgrade the quality, we would have to add the value of that to the Roll.
- Q: How do you go about appraising a house when it's under construction?
- A: If it is under construction on March 1, the lien date, a temporary value will be assessed for the incomplete structure. The final value is made on the date of completion and enrolled the following March.
- Q: I have a garage I'd like to tear down. Would that call for a reappraisal?
- A: That would result in a reduction of the taxable value by the proportion of it which represents the previous value of the garage.
- Q: I built a retaining wall on my vacant hillside lot. Is that going to be taxed?
- A: Yes, the value it adds to the property is taxable. The wall increases the utility of the lot by preventing slides and creating more buildable space.
- Q: I'm thinking of reconstructing a house I own to use as commercial property -- a nursery school. Will it be revalued?
- A: Yes, there will have to be an appraisal of the value added by the reconstruction because of the change in use. However, if you change the use without any construction, there would be no reappraisal (even if the use change involves rezoning).
- Q: My husband and I just got married. I've given him joint tenancy of my house. Is this going to mean a reappraisal?
- A: No. Under Proposition 13 an interspousal transfer between husband and wife does not bring about a reappraisal.
- Q: What happens should my spouse or I die?
- A: Again, no reappraisal. That's another interspousal transfer.
- Q: My wife and I were just divorced, and in the property settlement she gets the house. Does this change of ownership cause a reappraisal?
- A: No, that's also an interspousal transfer. However, be sure to keep the property settlement separate from any subsequent transfer to a new spouse.
- Q: Since I can transfer my property to my wife without its getting reappraised, can I do the same for my brother?
- A: No, only interspousal transfers get that exemption.
- Q: My mother just died and I've inherited her property. Will this create a reappraisal?
- A: Yes, it will. The property will be revalued as of the date of death.
- Q: My wife and I want to include our children as joint tenants on our property. Would this bring about a reappraisal at today's value?
- A: No, adding several people "all as joint tenants", whether related or not, does not result in a reappraisal at the time when the joint tenancy is created. The reappraisal is deferred until the date when you, as original owner, no longer hold title.
- Q: When does it get reappraised?

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- A: When you and your wife both die and the property goes to the children, the entire property is reappraised. After that, if you had two children, when one died and the survivor became sole owner, the half that was transferred at that time would be reappraised and the other half would stay at the value set when both children took over.
- Q: What about tenancy-in-common?
- A: Tenants-in-common are treated like the owners of separate parcels. Each time a tenant-in-common interest is transferred, that interest only is reappraised. The assessments of the other tenants-in-common are not changed.
- Q: I just bought an own-your-own apartment unit. Will it be reappraised because of my new ownership?
- A: Yes, your unit will be reappraised but not the remainder of the building.
- Q: It's all very complicated.
- A: You're so right. It would be best to consult an attorney or other expert in estate planning before changing the present or future ownership of property.
- Q: What is this new Change In Ownership form I heard all buyers have to file?
- A: It's a form which is designed to bring out the kind of information needed to make a determination of whether or not a change in ownership has occurred and, if so, whether or not it requires a reappraisal.
- Q: Why do you have to know the financing details of the sale?
- A: In order to make a fair appraisal, we must know if the financing was typical of today's market or if there were any unusual financial terms in the sale.
- Q: I'd rather not send that form back, so that I won't get reappraised.
- A: We are required by law to reappraise property when it transfers even if the form is not returned. We know about the transfer from the deed being recorded. Unrecorded deeds would cause a reappraisal of past years when they are discovered.
- Q: I've finally paid off my home loan. Is that a signal for you to reappraise?
- A: No, a trust deed conveyance just officially documents the fact that you paid off your loan. But, if it's a Cal Vet loan, a new deed is recorded and you should file a Change In Ownership form so we can recognize that no change in ownership took place.
- Q: If I refinance my property, would that cause a reappraisal?
- A: No, because there wouldn't be a change of ownership.
- Q: I sold my house last year and carried back a trust deed. Now I have to foreclose. Will I get reappraised?
- A: Yes, you will. That's not the same as the previous question. It's still a change of ownership back to you from the party you sold it to.
- Q: With all this new legislation, can I still protest my assessment?
- A: Yes, you can file with the Assessment Appeals Board between July 1 and September 15. Also, you can file within 60 days of a Notice of Corrected Assessment. Forms must be obtained from the Clerk of the Board, County Government Center, East Wing, 70 West Hedding Street, San Jose, 95110, or call

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- Q: I just received a corrected bill, and I don't think the new value is right. What can I do about it?
- A: You may discuss the corrected value with an appraiser in the Assessor's Office, County Government Center, Third Floor East Wing, 70 West Hedding Street, San Jose, 95110, or call (408) 299-2401. If you're still not satisfied, you may file an appeal with the Assessment Appeals Board within 60 days of the Notification of Corrected Assessment.
- Q: I'm not sure why my property has been reappraised. Who can I ask?
- A: If you've made any alterations or additions to your property, ask an appraiser by calling (408) 299-2401. If there have been any documents filed with the Recorder's Office, the specialists of the Assessment Standards Division will look into it for you, call (408) 299-3941.

NEIGHBORHOOD WANT ADS continued from page 7

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DAY CARE. 3 blocks from Belden, 3½ and up. 226-2698

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continued on page 6

FORM FOR PLACING WANT AD IN VEP NEWS

MAIL TO: Marianne Lent
Editor, VEP NEWS
450 Stratford Park Ct.
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How many months do you want this ad to run? _____

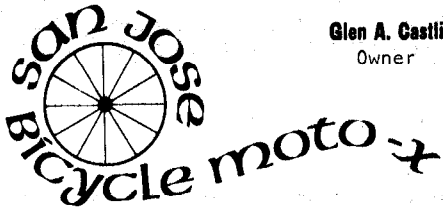
Neighborhood Want Ads are for VEP members only. (Have you mailed in your \$4?) To place an ad, mail in this form. Ads must arrive no later than October 9 to appear in the October issue. These ads are free. No commercial accounts.

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