

**ASSEMBLY BILL**

**No. 657**

---

---

**Introduced by Assembly Member Achadjian**

February 24, 2015

---

---

An act to amend Section 480 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 657, as introduced, Achadjian. Property taxation: change in ownership reporting.

Existing property tax law requires, when there is a change in ownership of real property or of a manufactured home that is subject to local property taxation and is assessed by the county assessor, a change in ownership statement to be filed in the county where the real property or manufactured home is located, as provided. Existing law, in the case of probate, requires the personal representative to file a change in ownership statement with the county recorder or assessor in each county in which the decedent owned real property at the time of death that is subject to probate proceedings. Existing law requires that statement to be filed before or at the time the inventory and appraisal is filed with the court clerk.

This bill instead, in the case of probate, would require the statement to be filed within 150 days after the date of death.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 480 of the Revenue and Taxation Code  
2 is amended to read:

3 480. (a) Whenever there occurs any change in ownership of  
4 real property or of a manufactured home that is subject to local  
5 property taxation and is assessed by the county assessor, the  
6 transferee shall file a signed change in ownership statement in the  
7 county where the real property or manufactured home is located,  
8 as provided for in subdivision (c). In the case of a change in  
9 ownership where the transferee is not locally assessed, no change  
10 in ownership statement is required.

11 (b) The personal representative shall file a change in ownership  
12 statement with the county recorder or assessor in each county in  
13 which the decedent owned real property at the time of death that  
14 is subject to probate proceedings. The statement shall be filed ~~prior~~  
15 ~~to or at the time the inventory and appraisal is filed with the court~~  
16 ~~clerk~~ *within 150 days after the date of death.* In all other cases in  
17 which an interest in real property is transferred by reason of death,  
18 including a transfer through the medium of a trust, the change in  
19 ownership statement or statements shall be filed by the trustee (if  
20 the property was held in trust) or the transferee with the county  
21 recorder or assessor in each county in which the decedent owned  
22 an interest in real property within 150 days after the date of death.

23 (c) Except as provided in subdivision (d), the change in  
24 ownership statement as required pursuant to subdivision (a) shall  
25 be declared to be true under penalty of perjury and shall give that  
26 information relative to the real property or manufactured home  
27 acquisition transaction as the board shall prescribe after  
28 consultation with the California Assessors' Association. The  
29 information shall include, but not be limited to, a description of  
30 the property, the parties to the transaction, the date of acquisition,  
31 the amount, if any, of the consideration paid for the property,  
32 whether paid in money or otherwise, and the terms of the  
33 transaction. The change in ownership statement shall not include  
34 any question that is not germane to the assessment function. The  
35 statement shall contain a notice informing the transferee of the  
36 property tax relief available under Section 69.5. The statement  
37 shall contain a notice that is printed, with the title in at least

1 12-point boldface type and the body in at least 8-point boldface  
2 type, in the following form:

3  
4 “Important Notice”  
5

6 “The law requires any transferee acquiring an interest in real  
7 property or manufactured home subject to local property taxation,  
8 and that is assessed by the county assessor, to file a change in  
9 ownership statement with the county recorder or assessor. The  
10 change in ownership statement must be filed at the time of  
11 recording or, if the transfer is not recorded, within 90 days of the  
12 date of the change in ownership, except that where the change in  
13 ownership has occurred by reason of death the statement shall be  
14 filed within 150 days after the date of ~~death or, if the estate is~~  
15 ~~probated, shall be filed at the time the inventory and appraisal is~~  
16 ~~filed~~ *death*. The failure to file a change in ownership statement  
17 within 90 days from the date a written request is mailed by the  
18 assessor results in a penalty of either: (1) one hundred dollars  
19 (\$100), or (2) 10 percent of the taxes applicable to the new base  
20 year value reflecting the change in ownership of the real property  
21 or manufactured home, whichever is greater, but not to exceed  
22 five thousand dollars (\$5,000) if the property is eligible for the  
23 homeowners’ exemption or twenty thousand dollars (\$20,000) if  
24 the property is not eligible for the homeowners’ exemption if that  
25 failure to file was not willful. This penalty will be added to the  
26 assessment roll and shall be collected like any other delinquent  
27 property taxes, and be subject to the same penalties for  
28 nonpayment.”  
29

30 (d) The change in ownership statement may be attached to or  
31 accompany the deed or other document evidencing a change in  
32 ownership filed for recording, in which case the notice, declaration  
33 under penalty of perjury, and any information contained in the  
34 deed or other transfer document otherwise required by subdivision  
35 (c) may be omitted.

36 (e) If the document evidencing a change in ownership is  
37 recorded in the county recorder’s office, then the statement shall  
38 be filed with the recorder at the time of recordation. However, the  
39 recordation of the deed or other document evidencing a change in  
40 ownership shall not be denied or delayed because of the failure to

1 file a change of ownership statement, or filing of an incomplete  
2 statement, in accordance with this subdivision. If the document  
3 evidencing a change in ownership is not recorded or is recorded  
4 without the concurrent filing of a change in ownership statement,  
5 then the statement shall be filed with the assessor no later than 90  
6 days from the date the change in ownership occurs, except that  
7 where the change in ownership has occurred by reason of death  
8 the statement shall be filed within 150 days after the date of ~~death~~  
9 ~~or, if the estate is probated, shall be filed at the time the inventory~~  
10 ~~and appraisal is filed~~ *death*.

11 (f) Whenever a change in ownership statement is filed with the  
12 county recorder's office, the recorder shall transmit, as soon as  
13 possible, the original statement or a true copy thereof to the  
14 assessor along with a copy of every recorded document as required  
15 by Section 255.7.

16 (g) (1) The change in ownership statement may be filed with  
17 the assessor through the United States mail, properly addressed  
18 with the postage prepaid.

19 (2) A change in ownership statement that is filed with the  
20 assessor, as authorized by paragraph (1), shall be deemed filed on  
21 either the date of the postmark affixed by the United States Postal  
22 Service containing the statement or on the date certified by a bona  
23 fide private courier service on the envelope containing the  
24 statement.

25 (h) In the case of a corporation, the change in ownership  
26 statement shall be signed either by an officer of the corporation or  
27 an employee or agent who has been designated in writing by the  
28 board of directors to sign those statements on behalf of the  
29 corporation. In the case of a partnership, limited liability company,  
30 or other legal entity, the statement shall be signed by an officer,  
31 partner, manager, or an employee or agent who has been designated  
32 in writing by the partnership, limited liability company, or legal  
33 entity.

34 (i) No person or entity acting for or on behalf of the parties to  
35 a transfer of real property shall incur liability for the consequences  
36 of assistance rendered to the transferee in preparation of any change  
37 in ownership statement, and no action may be brought or  
38 maintained against any person or entity as a result of that  
39 assistance.

- 1 Nothing in this section shall create a duty, either directly or by
- 2 implication, that the assistance be rendered by any person or entity
- 3 acting for or on behalf of parties to a transfer of real property.

O