



Ohio Administrative Code

Rule 5703-25-08 Procedure prior to actual appraisal.

Effective: July 1, 2021

(A) Before commencing the appraisal, reappraisal, or revaluation of real property for the tax purposes in connection with a sexennial reappraisal, triennial update, or for annual maintenance each county auditor is required to appoint and employ the experts, deputies, clerks or other employees as the auditor deems necessary in the performance of the auditor's duties as assessor with the approval of the tax commissioner. The tax commissioner hereby grants such general approval. All such employees shall be appointed as deputies under the provisions of section 319.05 of the Revised Code. The tax commissioner may order any particular county auditor to seek, in writing, prior approval from the tax commissioner to appoint and employ any such experts, deputies, clerks or other employees, as the tax commissioner deems necessary, in the manner and for the time period the tax commissioner prescribes.

(B) A county auditor proposing to make an in-house sexennial reappraisal shall first prepare a detailed plan for making such appraisal which shall include, but is not limited to, the following provisions:

- (1) Outline of appraisal procedure to be followed.
- (2) Number of persons to be employed.
- (3) The names and addresses of key persons and supervisors to be employed and their qualifications.
- (4) Compensation and salaries to be paid and estimate of total cost.
- (5) Period of employment.
- (6) The date actual appraisal work is to begin.
- (7) Date of completion of the appraisal, and the specific tax year for which the appraised values shall



be placed on the tax duplicate.

(C) Such plan shall be prepared in duplicate, one copy to be kept in the office of the auditor and open to public inspection, and one copy to be filed with the department of taxation as a part of the foregoing application. Such plan, after being approved by the tax commissioner, shall not be departed from and there shall be no changes or alterations of the same without the written approval of an application to the tax commissioner setting forth specifically the changes, alterations, additions or subtractions requested by the county auditor.

(D) Progress of work reports shall be made during the course of the appraisal as determined and requested by the tax commissioner.

(E) A county auditor proposing to employ professional appraisal firms or an individual appraiser to make a complete or partial appraisal, either for a sexennial reappraisal, triennial update, or for annual maintenance, is required to request and obtain approval of the tax commissioner of any contract entered into with such appraisal firm and to file a copy of such contract with the tax commissioner as a part of the application of the county auditor to commence an appraisal, reappraisal or revaluation of real property for tax purposes.

(F) Such application shall contain a fully completed statement on department of taxation form 92, a copy of which form shall be supplied to each county auditor by the department of taxation. A contract between a county auditor and a professional appraisal firm shall include, but is not limited to, the following provisions:

(1) Date actual appraisal work is to begin.

(2) Date of completion of all appraisals provided for in the contract and submitting of all reports concerning same to the county auditor, and the specific tax year for which the appraised values shall be placed on the tax list and duplicate. The dates provided in paragraphs (F)(1) and (F)(2) of this rule shall conform to the dates previously fixed by the entry and order of the tax commissioner issued pursuant to rule 5703-25-07 of the Administrative Code and in accordance with section 5715.34 of the Revised Code.



(3) Provision that the contract shall not be effective until it is approved by the tax commissioner.

(4) Provision for the support of values and a retention of a part of the consideration of the contract by the county auditor as a guarantee of the support of values until all complaints have been resolved either by the board of revision or higher authority in an amount deemed to be satisfactory to the county auditor of not less than two per cent of the total consideration of the contract entered into. The support of values before the board of revision shall be by a responsible and competent employee of the appraisal firm. The support of values, upon appeals from the board of revision to the board of tax appeals or to a common pleas court shall be by a competent witness who can qualify as an expert and who has personally inspected the real property in litigation and has made his independent written appraisal thereof.

The following language shall be included in the support of value clause of all appraisal contracts:

"Within ten days after the filing of a notice of appeal from a decision of the county board of revision in any valuation complaint the company or individual appraiser shall be notified by the county auditor that such notice has been filed and the company shall see that a competent witness is well prepared to give proper evidence and testimony at such time as the appeal is heard by either the board of tax appeals or the court of common pleas and the witness must be one who can qualify as an expert and who has personally inspected the property in litigation and has made an independent written appraisal thereof."

(5) Provision that the services to be rendered under the contract, with the exception of the provision regarding the support of values, are to be completed in time to use the values of the real property in connection with the tax list and duplicate for the collection of taxes for the year in which the work is completed and that ten per cent of the contract price be retained by the county auditor. Upon completion of required services, other than support of values, and delivery of required reports said retainage shall be paid by the auditor to the appraisal firm less the retainage provided for the guarantee of support of values in paragraph (F)(4) of this rule. In the event all such services covered by the contract, except the support of values, are not completed upon the date of completion date agreed to, the contract shall provide that all payments thereafter are to be suspended at the time and withheld by the county auditor until there has been full compliance with the terms of the contract of the appraisal firm. Provisions shall be made in the contract for a penalty of not less than two hundred



dollars per day as liquidated damages to begin on the day following the date of completion as agreed to in the contract and to apply for each and every day thereafter, excepting Saturdays, Sundays and legal holidays, up to and including the date of full and complete compliance by the appraisal firm of the terms of the contract. In the event that it is necessary for the county auditor to suspend all payments under the contract for the failure of the appraisal firm to complete all the services set forth in the contract on the date of completion agreed to therein, no further payments shall be made to the appraisal firm under the contract without the approval of the county prosecuting attorney and the approval of the department of taxation being first obtained.

The contract shall also provide that in the event the appraisal firm for any reason is unable to start the appraisal on the date set in the contract, then the firm shall immediately notify the tax commissioner and shall appear before the tax commissioner to explain, under oath, the reason or reasons it is unable to start the appraisal.

(6) The contract shall specifically provide that in the event that the appraisal firm maintains that the appraisal could not be completed within the time set in the contract because of an act of God or because of elements not within the control of the firm such as riots, war, organized work stoppage, or other delay not caused by the appraisal firm, then the tax commissioner shall hear the matter and if, in the tax commissioner's opinion, which shall be final, the delay was actually caused by any of the above stated reasons or for any other good reason over which the appraisal firm had no control, then the penalty herein provided for in the contract shall be dispensed with.

(7) As an alternate to the retainage for the guarantee of the support of values, required by paragraph (F)(4) of this rule and the ten per cent retainage and the minimum two hundred dollars a day penalty required by paragraph (F)(5) of this rule a performance bond for the full amount of the contract satisfactory to the county auditor, approved by the county prosecuting attorney and the tax commissioner will be accepted. The performance bond must provide for the completion of the contract including the guarantee of the support of values. A copy of the performance bond must be filed with the tax commissioner at the time of filing the appraisal contract.

(8) Provision that the employees of the appraisal firm meet the approval of the county auditor and that such employees shall be appointed deputies of the county auditor for the purpose of the reappraisal as well as acting as agents for the appraisal firm.



- (9) Provision that clearly recites that there is to be no departure from the terms of the contract or no change or alterations of the same without the written approval of the tax commissioner being first obtained.
- (10) Provision that progress of work reports shall be made during the course of the appraisal referred to in the contract as determined and requested by the tax commissioner on D.T.E. form 108.
- (11) Provision that there is to be no subcontracting of all or any part of the services provided under the contract without the written consent of the county auditor and tax commissioner obtained prior to execution of the subcontract.
- (G) A general sexennial reappraisal or revaluation of real property for tax purposes shall include all of the real property situated in the county and all types and classes of such real property shall be accounted for in a contract contained in the application on form 92 or in a detailed plan filed by the auditor pursuant to this rule as set forth above. No such application and no such sexennial reappraisal or revaluation of real property shall be approved by the tax commissioner unless all types and classes of real property (land, buildings, structure improvements and fixtures) are to be, or are, appraised, reappraised or revalued and placed on the tax list and duplicate for the same tax year.
- (H) Each employee engaged in field work, including the employees furnished by an appraisal firm, shall be provided with a proper identification card by the county auditor.
- (I) Paragraphs (A) to (H) of this rule are not to be construed as a prohibition or limitation upon the authority of the county auditor to include in a contract with an appraisal firm any additional provisions which, in the judgment of the auditor, will insure that the appraisal be performed and completed in the best possible manner, provided however, that such additional provisions shall be in writing and shall be included as a clause in the written contract.
- (J) Professional appraisal firms or individual professional appraisers, prior to contracting with a county auditor to make a complete or partial appraisal either for a general reappraisal or for annual maintenance for real property tax purposes as provided by these rules, shall have submitted to the tax commissioner the following documents:



- (1) A list of officers and management with their qualifications as of the fiscal year preceding the thirty-first of December of the year in which submitted; or if a newly formed corporation or partnership, a list of present officers and management with their qualifications.
 - (2) A list of all regional or project appraisal supervisors, or equivalent, that operate in Ohio.
 - (3) A list of taxing authorities with addresses for which the firm or individual professional appraiser has completed a general reappraisal of real property in the last ten years or the appraisal is currently in progress.
 - (4) A list of references from financial institutions.
 - (5) After the initial submission of such lists the firm or individual appraiser shall file such documents by the thirty-first of December of each year.
- (K) After receiving the documents submitted by the appraisal firms and individual appraisers, the tax commissioner shall create a file of the same. The tax commissioner shall review the documents and may require an informal discussion with the representatives of each firm or individual appraiser who has filed such documents. After this review is complete, the tax commissioner shall issue an entry in the month of February of each year, listing all appraisal firms and individual appraisers that have created a proper file for that year. This file will be used by the tax commissioner when considering the approval or disapproval of a county auditor's application requesting authority to employ an appraisal firm or individual appraiser. This file will also be available to the county auditors for their use when selecting an appraisal firm or an individual appraiser.
- (L) Nothing set out in this chapter shall be construed as a prohibition on the county auditor with respect to the auditor's duty to revalue and assess at any time all or any part of the real property in the county where the auditor finds that the same has changed in value or is not on the tax list at its taxable value as provided by section 5713.01 of the Revised Code.
- (M) For purposes of seeking approval of assessment contracts by filing the form 92 with the tax commissioner, the county auditor should seek approval only for appraisal-related contracts, which



include contracts for the following appraisal purposes: general reappraisal, triennial update, annual maintenance and new construction, consulting, current agricultural use valuation compliance, exempt study, land-based and aerial photography used directly for appraisal purposes, sales review, split-parcel appraisal, support of valuation, soil study, manufactured home appraisal, and any other appraisal services. The tax commissioner hereby grants approval to the county auditors, without having to file the form 92, to enter into assessment-related contracts that are not for appraisal services, which include contracts for the following purposes: mapping, aerial photography used in mapping, computers (hardware, software, and maintenance), Internet, technical support, copiers, fiber optics, microfilm, bond or debt service contracts, and any other assessment-related contracts that are not for appraisal services. The tax commissioner may order any particular county auditor to seek, in writing, prior approval from the tax commissioner to enter into assessment-related contracts that are not for appraisal services, as the tax commissioner deems necessary, in the manner and for the time period the tax commissioner prescribes.