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October 20, 1988

TO COUNTY ASSESSORS:

No. 88/72

CALAMITY DAMAGE TO MOBILEHOMES;  
CLARIFICATION OF LETTER TO ASSESSORS NO. 82/139

It has come to our attention that a portion of our letter to assessors 82/139, Recent Mobilehome Legislation (copy enclosed), is unclear. This letter is intended to clarify the passage in question.

The second paragraph in the middle of page 3 of letter 82/139 currently reads:

"The addition of Sections 172 and 172.1 to the Revenue and Taxation Code extends disaster relief to mobilehomes. However, unlike the liberal provisions in Section 170 defining qualifying disasters, Section 172 restricts relief to damage resulting from a disaster declared by the Governor. Consequently, unless or until later legislation broadens the tax relief benefits, no disaster relief is available for isolated instances of damage to mobilehomes caused, for example, by flood or fire."

This paragraph is unclear and should read:

The addition of Sections 172 and 172.1 to the Revenue and Taxation Code extends disaster relief to replacement mobilehomes. Unlike the provisions in Section 170 defining qualifying disasters, Section 172 restricts relief to damage resulting from a disaster that totally destroys a mobilehome and is only applicable to a disaster declared by the Governor.

Disaster relief for mobilehomes is not limited only to Sections 172 and 172.1 but may also be given under Section 170. The following paragraphs explain our understanding of the law.

Revenue and Taxation Code Section 170(a) states in pertinent part:

"Notwithstanding any provisions of law to the contrary, the board of supervisors may, by ordinance, provide that every assessee of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed without his fault, may apply for reassessment of that property as provided herein." (Emphasis added.)

This includes damaged or destroyed mobilehomes subject to the local property tax. Subdivision (a) also says, in part:

"To be eligible for reassessment the damage or destruction to the property must have been caused by any of the following:...

"(2) A misfortune or calamity."

Assuming an ordinance has been passed by the board of supervisors, this provision allows relief under Section 170 for the damaged or destroyed mobilehome subject to the local property tax even though the damage or destruction was not the result of a disaster declared by the Governor.

In addition, Section 170(g) states, in pertinent part:

"...When the property is fully repaired, restored or reconstructed, its new taxable value shall be the lesser of (1) its full cash value, or (2) its factored base year value or its factored base year value as adjusted pursuant to subdivision (c) of Section 70. The new taxable value shall be enrolled on the lien date following completion of the repair, restoration, or reconstruction."

For purposes of this section, "reconstructed" must be assumed to include the replacement of a totally destroyed mobilehome since a mobilehome replaced is equivalent to a mobilehome "reconstructed."

Finally, please refer to Section 172 which specifically provides additional disaster relief to all mobilehomes but only under certain circumstances:

Whenever a mobilehome is destroyed on or after January 1, 1982, as the result of a disaster declared by the Governor, the owner shall be entitled to relief from local property taxation or vehicle license fees in accordance with the provisions of this chapter." (Emphasis added.)

So, for mobilehomes destroyed by disasters declared by the Governor, the taxpayer may seek relief under either Section 170 or 172, depending on whether the mobilehome is subject to local property tax or vehicle license fee.

We apologize for any misunderstanding the original letter may have created. Do not hesitate to contact our Real Property Technical Services Section at (916) 445-4982 if you have any additional questions relating to this matter.

Sincerely,



Verne Walton, Chief

Assessment Standards Division

VW:sk  
Enclosure