



ADMINISTRATIVE RULES OF MONTANA

42.20.455 CONSIDERATION OF INDEPENDENT APPRAISALS AS AN INDICATION OF MARKET VALUE

- (1) When considering any objection to the appraisal of property, the department may consider independent fee appraisals of the property as evidence of the market value of the property. For an independent fee appraisal to be considered, the taxpayer or the taxpayer's agent must submit the following documents to the local department office in the county where the property is located:
 - (a) a Request for Informal Classification and Appraisal Review, Form AB-26, as set forth in ARM 42.20.173; and
 - (b) a copy of the independent fee appraisal that meets the following requirements and was conducted:
 - (i) by an appraiser licensed or certified by the Montana Board of Real Estate Appraisers, under Title 37, chapter 54, MCA;
 - (ii) in accordance with current uniform standards of professional appraisal practice (USPAP), as set forth for licensed or certified real estate appraisers under 37-54-403, MCA; or completed for federally related transactions or commercial lending institutions; and
 - (iii) within six months of the valuation date provided for in 15-7-102, MCA, and ARM 42.18.121. This six-month requirement may necessitate that a fee appraiser conduct a retroactive appraisal, in accordance with USPAP. In this situation, the effective date of the appraisal may be prior to the date of the Appraisal Report. If an appraisal has already been conducted, and it was conducted prior to the valuation date, then:
 - (A) a recertification or update of value may be required as an addendum to the original appraisal; and
 - (B) the recertification or update of value must be completed by the same appraiser who conducted the original appraisal.
- (2) After making a determination regarding use of the independent fee appraisal value as market value for tax purposes, the department shall respond in writing to the taxpayer stating clearly the reasons for accepting or rejecting the use of the fee appraisal and, if appropriate, what adjustments were made to the department's appraised value and why.
- (3) If the appraised value is adjusted by the department or by the tax appeal board, and the department files no further appeal within the time period allowed by law, the adjusted value becomes the value for assessment and taxation purposes, until such time as changing circumstances with respect to the property requires a new valuation and assessment, or upon an updated valuation occurring in subsequent property valuation cycles.

Authorizing statute(s): 15-1-201, MCA

Implementing statute(s): 15-7-102, 15-7-111, 37-54-403, MCA

History: NEW, 1991 MAR p. 742, Eff. 5/17/91; AMD, 1993 MAR p. 3060, Eff. 12/24/93; AMD, 1999 MAR p. 309, Eff. 2/12/99; AMD, 2002 MAR p. 3723, Eff. 12/27/02; AMD, 2014 MAR p. 2994, Eff. 12/12/14; AMD, 2015 MAR p. 2350, Eff. 1/1/16; AMD, 2017 MAR p. 2088, Eff. 11/10/17; AMD, 2018 MAR p. 2410, Eff. 1/1/19.