

LOUISIANA TAX COMMISSION



STATEWIDE ADVISORY 02-2021

Re: Change Order Requests and La. R.S. 47:1966

Pursuant to La. R.S. 47:1990, the Commission considers change order requests from parish assessors to change or correct assessments before the taxes have been paid. The Commission interprets and applies La. R.S. 47:1990 to permit changes/corrections to be made (1) before taxes have been paid, or (2) that do not violate or offend a taxpayer's due process rights (*e.g.* reduces or does not change the taxpayer's tax liability or tax burden). Under La. R.S. 47:1991, the Commission considers sworn statements by parish assessors to cancel an assessment or/and cancel a tax sale. Parish assessors are authorized under La. R.S. 47:1996 to correct an omission or improper assessment, also known as a supplemental assessment. The procedure for supplemental assessments is generally outlined in La. R.S. 47:1996, which provides, in part:

A. (1) If any tract or lot of land or other property shall be omitted in the assessment of any year or series of years, or in any way erroneously assessed, it, when discovered, shall be assessed by the assessor or tax collector for the whole period during which the property may have been omitted or improperly assessed, and shall be subject to the state, parish, municipal, and levee taxes, which have been or may hereafter be assessed against the property in accordance with law. No back taxes for more than three years shall be assessed against omitted or improperly assessed property. **Assessments of omitted or improperly assessed property shall appear upon a supplemental roll and be filed in the same manner as regular tax rolls.**

(2)(a) A notice by mail shall be given that the assessment roll is completed, and that it is exposed for examination in the office of the assessor whether the tax is on movable or immovable property, and that ten days are allowed the parties to make to the

assessors any protest they may wish to urge against the assessment.

(b) In case of unknown owners, notice shall be published twice during a period of ten days in a daily newspaper published in the city of New Orleans and in other parishes as provided hereafter.

(c) Notwithstanding Subparagraph (b) of this Paragraph, in case of unknown owners, in any parish which contains a municipality with a population of three hundred thousand or more as determined by the latest federal decennial census, notice shall be published twice during a period of fifteen days in a newspaper or other publication that (i) is domiciled in such parish, (ii) is published in the English language at least weekly, (iii) meets the requirements of R.S. 43:200(3)(a), (b), and (c), and (iv) has maintained a total circulation of at least thirty thousand for at least five consecutive years prior to publishing such notice.

(3) In case there is no protest the assessment without any further requisite or formality of any kind shall be final and conclusive on the parties assessed.

(4) In the event of any such protest, the decision of the assessors thereon shall be promptly made and be final; the assessment without further formality and requisite of any kind shall be binding and conclusive on the parties assessed; however the parties assessed can appeal to the courts within five days from the decision of the assessor on the protest, which decision shall be deemed notice, and the delay of five days shall begin from the day of entry by the assessors of the words "appeal rejected" on the supplemental roll.

(Emphasis added).

It has recently come to the Tax Commission's attention that change order requests are being requested, and incorrectly approved, that result in an increase to the "taxpayer's share" of assessed value (*i.e.* an increase in tax liability), after taxes have been paid. Such change order requests are not authorized by La. R.S. 47:1990, and the Commission finds such requests to otherwise be in violation of a taxpayer's due process

rights under La. R.S. 47:1966. The Tax Commission will no longer approve change order requests that increase the “taxpayer’s share” of assessed value, after taxes have been paid, unless: (1) the procedure in La. R.S. 47:1966 is followed or (2) a specific representation is made by the parish assessor that the taxpayer is aware of the request and agrees with the change.

Please contact Michael Matherne at 225.219.0339 ext. 224 or Michael.Matherne@la.gov should you have any questions regarding the contents of this advisory.