Frequently Asked Questions

Propositions 60/90/110

(Transfer of Base Year Value)

1. What are Propositions 60, 90 and 110?

Propositions 60, 90 and 110 are constitutional amendments approved by the voters of California. They provide for the transfer of a property's base year value from an existing residence to a replacement residence, under certain conditions, for qualified persons over the age of 55 or persons of any age who are severely and permanently disabled.

2. What are the conditions that need to be met in order to qualify for Propositions 60 and 90 exclusions?

a. Both properties must be located in the same county, unless the county in which the replacement residence is located has an ordinance that allows intercounty base year value transfers.
b. As of the date of transfer of the original property, the transferor (seller) or a spouse residing with the transferor must be at least 55 years of age or be severely or permanently disabled.
c. At the time of sale, the original property must have been eligible for the Homeowners' Exemption or entitled to the Disabled Veterans' Exemption.
d. Generally, the replacement dwelling must be of equal or lesser value than the original property.
e. The replacement dwelling must have been acquired or newly constructed within two years of (before or after) the sale of the original property.
f. The owner must file an application within three years following the purchase date or new construction completion date of the replacement property.
g. The original property must be subject to reappraisal at its current fair market value; therefore, transfers of the original property that are excluded from reappraisal (e.g., most transfers between parents and children) will not qualify.

3. I think that the sale of my residence may qualify for this benefit. How do I apply?

You must file a claim with the assessor, who will determine if the transaction qualifies. Claim forms should be obtained from the assessor's office in the county where the replacement property is located.

4. How do I determine if the replacement property is of "equal or lesser value" than the original?

It depends upon the timing of the purchase or completion of construction of the replacement property. In general, "equal or lesser value" means the fair market value of the replacement property does not exceed one of the following:

100 percent of the market value of the original property as of its date of sale, if the replacement dwelling is purchased or newly constructed before an original property is sold.

105 percent of the market value of the original property as of its date of sale, if the replacement dwelling is purchased or newly constructed within one year after the sale of the original property.

110 percent of the market value of the original property as of its date of sale, if the replacement dwelling is purchased or newly constructed within the second year after the sale of the original property.

5. If the market value of my replacement dwelling slightly exceeds the "equal or lesser value" test compared to the market value of my original property, can I still receive partial benefit?

No. Unless the replacement dwelling completely satisfies the "equal or lesser value" test, no benefit is available.

6. **Can a taxpayer apply for and receive the benefit of Propositions 60/90/110 numerous times during the course of his/her lifetime?**
Generally, no. With one exception, only claimants who have not previously been granted this benefit are eligible.

7. **I was previously granted this benefit but have since become severely and permanently disabled. Can I apply for and receive the benefit of Proposition 110?**
Proposition 110 creates an exception from the one-time-only limitation for any claimant who becomes severely and permanently disabled after having previously received a base year value transfer as a claimant over the age of 55 years. Thus, if a person over the age of 55 years transferred the base year value from an original property to a replacement dwelling and subsequently becomes disabled, then that person may now transfer his base year value a second time.

8. **I would like to transfer my base-year value to a replacement property located in another county. Which counties have adopted an ordinance to allow such transfers?**
As of January, 2001, nine counties adopted an ordinance implementing the intercounty value transfer provisions of Section 69.5 of the Revenue and Taxation Code (Proposition 90). As of 2008, only 7 still have such an ordinance*:

Alameda	San Diego	Ventura
Orange	San Mateo	
Los Angeles	Santa Clara	

*These counties are participating as of 10/1/08 but the participation changes often. Please contact your local tax assessor's office for the most current information.

9. **What is the deadline for filing a claim?**
Generally, you must file your claim with the county assessor within three years of the acquisition or completion of construction of the replacement property.

10. **I still have questions about Propositions 60, 90 and 110. Where can I find more information?**
If you still have questions about Propositions 60, 90 or 110, you may find the answers in Letter to Assessors 87/71, 88/10, 91/33 and 97/02, or, you may call the Technical Services Section at (916) 445-4982.

Propositions 85/193
Transfers Between Parent and Child; Grandparent and Grandchild

11. **Will the transfer of real property between a parent and child or grandparent and grandchild cause a reappraisal?**
The purchase of transfer of a principal residence, as well as the first $1 million of other real property transferred between parents and children, is not subject to reassessment provided a timely claim is filed with the county assessor. This exclusion also applies to transfers between grandparents and grandchildren, but only when both qualifying parents are deceased. For more information about these Propositions see Letter to Assessors No. 98/23 or contact the Technical Services Section at (916) 445-4982.

The preceding summaries are provided for informational purposes only. For a more comprehensive understanding of the legal/tax consequences of the propositions and current information, appropriate consultation is recommended with an attorney and/or CPA for specific advice.

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