



## **Rights and Procedures of a CPE Appraiser/Assessor and Your Property**

An assessor has a responsibility to see, discover, list and value all real property in the jurisdiction they are employed. However, we also want to be respectful of your individual property rights and your right to privacy. Accordingly, Lancaster County has the following policy to govern when an Assessor/Appraiser may enter onto and/or into your property.

**An assessor may not proceed onto a property where it is clear the resident or owner has taken affirmative steps to keep the public from entering their land. An assessor will not enter those areas clearly marked with "No Trespassing" signs or if there are chains, gates or fences enclosing all or part of a property, unless they have received written or verbal consent to do so.**

**An assessor may enter onto a property if it not clearly indicated that the property is off limits<sup>1</sup>. Additionally, if you are renting a property, an assessor may enter onto the property despite "No Trespassing" signs or similar markings if the property owner has given permission.**

**Entry onto the property without explicit permission will be limited to what is legally known as the curtilage, which is the land and yard immediately surrounding your house.**

**An assessor will not enter your house or dwelling unless they have specific permission.**

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### **<sup>1</sup>Is an assessment subject to the 4th Amendment?**

One of the most common questions we get asked is whether an assessor who enters a property without explicit permission is a violation of the 4th Amendment. The answer is that they are generally not. An assessment is **not** considered a "search" because the assessor is making observations of a house's plainly visible exterior attributes and dimensions without entering or looking into the house. See *Widgren v. Maple Grove Township*, 429 F.3d 575 (2005).

Although the instructions above provide the general guidance for our assessors, it is nearly impossible to provide guidance for every situation. Listed below are some standard procedures an assessor should follow upon entering onto your property:

- A County issued employee photo ID card prominently displayed.
- Ring doorbell, knock on door, or both. Allow time for the owner to answer the door before walking around the house to inspect it.
- Identify themselves as employees of the Property Assessment Office and reason for their visit.
- If no one is home, a colored door hanger will be left at a prominent location. If the owner does not respond to the door hanger and additional information is needed within (10) business days, the assessor may make additional visits. If no response is received, they will write a letter or attempt to call in an effort to gather the information or to set up an appointment for them to inspect the property. If no response is received, any assessment change will be based on estimated data for the improvements made.
- With an answer at the door or at the property, the assessor/appraiser will ascertain as to whether or not the individual answering the door or at the property has care and control over the property. If so, the assessor/appraiser will ask pertinent questions regarding the real property and/or ask permission to go onto the property for an exterior inspection which may include a walk around the property and measuring of exterior improvement(s). Most property information can be collected from an exterior inspection and speaking with a property owner. **Only an individual with care and control over the property can give such permission. Minor children CANNOT give permission.** The assessor/appraiser will make their best efforts to determine if the person at the property has the authority to grant them entry onto the property.
- An Assessor/Appraiser will not request an interior inspection. However, sometimes it is necessary to measure or verify interior characteristics. Should an interior inspection be requested by the property owner or ordered by the Board of Assessment, (2) Assessor/Appraisers will make the interior inspection.
- **The assessor will leave the property immediately, if requested to do so.**
- Should, at any time, the assessor/appraiser believe their safety is in jeopardy, they will immediately leave the property and report the incident to the appropriate authority.
- **An assessor will never enter a house if children are home alone.**
- The assessor should check with the builder before entering new construction.

*If the assessor is denied access to any part of the property, they will collect their information based on what they can see from outside the inaccessible area or from the street. Any data collected in this manner will be estimated and the property may be assessed.*

The assessor is not a law enforcement officer and will not be visiting your property to conduct a criminal investigation. However, they cannot wear blinders when working in the field and are required to report criminal activity or suspect properties.

We hope this helps to clarify and address any concerns you may have about how our assessors work in the field and your rights and responsibilities as a property owner.