Questions and Answers from August 4, 2026, Property Tax Webinar

Q: What is the State Statute that places the responsibility of reviewing and identifying errors on the county assessors?

A: Under Section 7-38-73, NMSA 1978, DFA is authorized and directed to promulgate rules governing accounting for the receipt and distribution of amounts collected by county treasurers as taxes under the Property Tax Code. This includes rules for verifying data and identifying errors. Further, Section 7-38-87 (A), NMSA 1978, authorizes DFA to promulgate regulations under the Property Tax Code without prior notice or hearing. Such regulations are effective when filed in accordance with the State Rules Act. Additionally, Section 6-6-3 (C), NMSA 1978, requires every Local Public Body to conform to the rules and regulations adopted by the local government division.

Q: How can a County Treasurer ensure there has been check and balances to the rates?

A: DFA would recommend that the County Treasurers collaborate with County Assessors and taxing jurisdictions to review property tax schedules to ensure data accuracy.

Q: What statute allows DFA to override 7-38-31 which mandates certification by June 15?

A: No part of 3.6.50 NMAC overrides Section 7-38-31. Section 7-38-31 concerns the certification and transmittal of net taxable values for all property allocated to governmental units in the county to the Property Tax Division of the Department of Taxation and Revenue. 3.6.50 NMAC does not override or interfere with this provision of the property tax code. 3.6.50.11 NMAC establishes a reasonable process for verifying data accuracy and identifying errors, both before rate-setting orders are issued and after rates are adopted, before property tax bills are mailed. DFA, under Sections 6-6-2, 6-6-3, and 7-38-73, has explicit authority to regulate the property tax rate-setting process.

Q: How did this proposal consider the assessment calendar? Many assessors' offices have limited staff and resources. These responsibilities, and this timeline overlaps with protests and appeals, reappraisal valuation work, and the preparation of tax schedules.

A: DFA understands the responsibilities of county assessors and the statutory calendar requirements. These were taken into account during the development of the rule amendment.

Q: How do the roles of the Assessor's change with this updated rule?

A: 3.6.50, NMAC does not make county assessors responsible for verifying tax rates effective July 23, 2026. 3.6.50.11 NMAC provides a regulatory process that allows county assessors to verify data accuracy and identify errors before DFA issues rate-setting orders and before County Commissions adopt rates. Because county assessors are responsible for turning net taxable values and adopted rates into property tax schedules, the updated rule offers them an opportunity to perform quality control functions during the rate-setting process. 3.6.50.11 does not delegate any responsibilities outside the existing statutory process; it fills process gaps left by the statutory scheme.

Q: How will Tax and Rev get the final rates after the 9/17 finalization from the assessors?

A: Tax and Rev will be provided a copy of any corrections ordered by DFA.

Q: What statute that is being applied with this directive?

A: Sections 6-6-2, 6-6-3, 7-38-33, 7-38-77.1, 7-38-73, 7-38-87, NMSA 1978. Each of these statutes are identified in 3.6.50.3 NMAC.