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BOARD OF ASSESSMENT APPEALS

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Rights and Procedures of an Assessor to Enter Your Property

An assessor has a responsibility to seek, 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, Montgomery County has the following policy to govern when an assessor 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 your property if you have not clearly indicated that the property is off limits¹. 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.

¹Is 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 a Montgomery County assessor and reason for their visit.
- If no one is home, a Hang Tag will be left. If the owner does not respond to the door hanger and additional information is needed, 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.
- The assessor will make their best efforts to determine if the person who answers the door has the authority to grant them entry onto the property. However, they will take any answers on good faith. If a house cleaner or caretaker does not have permission to let others enter, you should clearly let that person know.
- **The assessor will leave the property immediately, if requested to do so.**
- Most data information can be collected from an exterior inspection and speaking with a property owner. However, sometimes it is necessary to measure or verify interior characteristics. Permission to enter a home will **ALWAYS** be sought before doing so.
- **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.