

# **ASSESSMENT APPEALS**

2018 Assessment Appeals may be filed between  
January 10 to April 1, 2018.

Assessment appeals are filed with the Essex County Board of Taxation  
50 South Clinton Street  
Suite 5200  
East Orange, NJ 07018  
973-395-8525

Attached is the 2018 assessment appeal application with instructions and a brochure explaining the process.

**The Essex County Board of Taxation receives the petition, the filing fee, and all supporting documentation. The Municipal Assessor and Clerk each receive a copy of the petition and all supporting documentation.**

**You are responsible for making the necessary copies. The County Tax Board, Municipal Assessor or Clerk will not make copies.**

If you cannot download the forms, you may send a self-addressed stamped envelope to the Bloomfield Assessors office, Municipal Building, Room 108, Bloomfield, NJ 07003, 973-680-4021.

Additional information may be obtained at [www.essextaxboard.com](http://www.essextaxboard.com) and click on Tax Appeal Information and Forms.

It is to your advantage to have your comparable sales listed on your petition at the time of filing.

Appeal Number	
_____	
Filed	_____
Check/Cash	_____
Checked	_____

Tax Year 2018 Property Class \_\_\_\_\_

NAME OF PETITIONER \_\_\_\_\_  
Last Name, First Name

MAILING ADDRESS \_\_\_\_\_ Daytime Telephone No. : (\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_ E-mail Address \_\_\_\_\_

BLOCK \_\_\_\_\_ LOT \_\_\_\_\_ QUALIFIER \_\_\_\_\_ Lot Size \_\_\_\_\_

MUNICIPALITY \_\_\_\_\_ Property Street Address / Location \_\_\_\_\_

Name, address and telephone number of person or attorney to be notified of hearing date and judgment:

SECTION I APPEAL OF REAL PROPERTY VALUATION (SEE INSTRUCTION SHEET FOR FILING FEES AND DEADLINE DATE)

CURRENT ASSESSMENT

REQUESTED ASSESSMENT

Land \$ \_\_\_\_\_

Bldg/Improvement \$ \_\_\_\_\_

Abatement (if any) \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Land \$ \_\_\_\_\_

Bldg/Improvement \$ \_\_\_\_\_

Abatement (if any) \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Purchase Price \$ \_\_\_\_\_ Date of Purchase \_\_\_\_\_ Tax Court Pending: YES  NO

REASON FOR APPEAL: \_\_\_\_\_

SECTION II COMPARABLE SALES (See Instruction #9A)

<u>Block/Lot/Qualifier</u>	<u>Property Street Address / Location</u>	<u>Sale Price</u>	<u>Sale/Deed Date</u>
1. _____	_____	\$ _____	_____
2. _____	_____	\$ _____	_____
3. _____	_____	\$ _____	_____
4. _____	_____	\$ _____	_____
5. _____	_____	\$ _____	_____

SECTION III APPEAL FOR DENIAL OF: (See Instruction #4, "Filing Fees")

Attach Copy of Denial Notice for Section III Deductions, Classifications and Exemptions

- Veteran's Property Tax Deduction for Veteran or Surviving Spouse or Surviving Civil Union Partner or Surviving Domestic Partner of Veteran/Serviceperson
- Senior Citizen/Disabled Person Property Tax Deduction for Senior Citizen/Disabled Person or Surviving Spouse or Surviving Civil Union Partner of Senior Citizen/Disabled Person
- 100% Disabled Veteran Exemption for 100 % Disabled Veteran or Surviving Spouse or Surviving Civil Union Partner or Surviving Domestic Partner of 100% Disabled Veteran
- Farmland Assessment Classification
- Abatement or Exemption - Religious, Charitable, etc.

WHEREFORE, Petitioner seeks judgment reducing/increasing (circle one) the said assessment(s) to the correct assessable value of the said property and/or granting the requested deduction, credit, Farmland Assessment classification, exemption or abatement. Petitioner certifies that a copy of this appeal (and attachments, if any) has been served upon the Assessor and Clerk of the municipality where this property is located. Petitioner certifies that the foregoing statement is true and is aware that if the foregoing statement is willfully false, he/she is subject to punishment.

\_\_\_\_\_  
Date Original Signature of Petitioner or Attorney for Petitioner

**COUNTY BOARD OF TAXATION**  
**INSTRUCTIONS FOR FILING PETITION OF APPEAL**

**1. FILING DATE**

- (a) Your appeal must be **received** (not merely postmarked) by the county board of taxation on or before April 1 of the tax year, or 45 days from the date the bulk mailing of Notification of Assessment is completed in the taxing district, whichever is later. An appeal received after the close of business hours on April 1, or 45 days from the date the bulk mailing of Notification of Assessment is completed in the taxing district, whichever is later, is untimely filed and will result in dismissal of the appeal. If the subject property lies within a taxing district where a municipal-wide revaluation or municipal-wide reassessment has been implemented, your appeal must be **received** (not merely postmarked) by the county board of taxation on or before May 1 of the tax year. If the last day for filing an appeal falls on a Saturday, Sunday, or legal holiday, the last day shall be extended to the first succeeding business day.
- (b) A taxpayer will have 45 days to file an appeal upon issuance of Notification of Change of Assessment.

**FILING DATE FOR MONMOUTH COUNTY RESIDENTS ONLY – Filing dates for Monmouth County Tax Board appeals have changed. Please visit <https://secure.njappealonline.com/> or call the Monmouth County Tax Board for details.**

**2. SEPARATE APPEALS**

Separate appeals must be filed for each taxed parcel unless the county tax board administrator grants prior approval to consolidate parcels or lots into one appeal filing using form MAS (Multiple Appeal Schedule).

**3. FILING OF PETITION**

- (a) The original petition must be filed with the county board of taxation.
- (b) A copy must be served upon **the assessor of the municipality** in which the property is located or, in the case of a municipal appeal, served upon the taxpayer.
- (c) A copy must be served upon **the clerk of the municipality** in which the property is located or, in the case of a municipal appeal, served upon the taxpayer.
- (d) A copy should be retained by the petitioner.
- (e) Any supporting documents attached to the original petition must also be attached to the assessor's and municipal clerk's copies.

**4. FILING FEES (Must accompany original petition of appeal)**

(a) Assessed Valuation less than \$150,000	\$ 5.00
1. \$ 150,000 or more, but less than \$ 500,000	\$ 25.00
2. \$ 500,000 or more, but less than \$ 1,000,000	\$ 100.00
3. \$1,000,000 or more	\$ 150.00
(b) Appeal on Classification	\$ 25.00
(c) Appeal on Valuation and Classification	Sum of (a) and (b)
(d) Appeal not covered by (a), (b), and (c)	\$ 25.00

**Check should be made payable to: County Tax Administrator. Fees are non-refundable.**

**Property Classifications N.J.A.C. 18:12-2.2**

1 – Vacant	4B – Industrial	15B – Other School Property
2 – Residential	4C – Apartments (5 or more families)	15C – Public Property
3A – Farm (Regular)	6A – Personal Property (Telephone)	15D – Church Charitable Property
3B – Farm (Qualified)	6B – Machinery, Apparatus or Equipment of Petroleum Refineries	15E – Cemeteries and Graveyards
4A – Commercial	15A – Public School Property	15F – Other Exempt Properties

**No fee is required to file a petition contesting the denial of an application for a:**

- deduction for veteran or veteran's surviving spouse/ surviving civil union partner/ surviving domestic partner or serviceperson's surviving spouse/ surviving civil union partner/ surviving domestic partner;
- deduction for senior citizen or disabled person or surviving spouse/ surviving civil union partner of a senior citizen or disabled person;
- exemption for disabled veteran or surviving spouse/ surviving civil union partner/ surviving domestic partner of a disabled veteran or surviving spouse/ surviving civil union partner/ surviving domestic partner of serviceperson.

**5. PAYMENT OF REAL ESTATE TAXES ON APPEAL**

N.J.S.A. 54:3-27 provides that a taxpayer who files an appeal from an assessment must pay to the collector of the taxing district no less than the total of all taxes and municipal charges due up to and including the first quarter of the taxes and municipal charges assessed against him for the current year. The county board may relax the tax payment requirement and fix such terms for payment of the tax as the interests of justice may require. If the county board of taxation refuses to relax this payment requirement and that decision is appealed, the State Tax Court may hear all issues without remand to the board as the interests of justice may require.

**6. ADJOURNMENTS**

No adjournments will be granted except for extraordinary reasons.

**7. REPRESENTATION AT HEARING**

- (a) A taxpayer must be present at the hearing or be represented by an Attorney-at-Law admitted to practice in the State of New Jersey.
- (b) If the petitioner is a legal entity, such as a corporation, partnership, LLC, trust etc., the appeal must be prosecuted by an Attorney-At-Law admitted to practice in the State of New Jersey, unless the subject property's prior year taxes were less than \$25,000, in which case the petitioner can appear in his, her, or its own behalf.

## INSTRUCTIONS FOR FILING PETITION OF APPEAL (continued)

### 8. DISCRIMINATION

N.J.S.A. 54:3-22(c) to (e) requires that whenever the county board of taxation finds that the ratio of assessed value to true value of property under appeal exceeds the upper limit or falls below the lower limit by 15% of the average ratio for each municipality, the county board of taxation shall revise the assessment by applying the average ratio to the true value of the property.

### 9. SUPPORTING PROOF AND PROCEDURES

#### ***ONLY THE PROPERTY VALUE CAN BE APPEALED – NOT THE AMOUNT OF TAXES ON THE PROPERTY***

In order to determine the taxable value of your property, you must demonstrate what the market value of your property was as of October 1 of the preceding (pretax) year. The taxable value of the property as improved is its market value multiplied by the average ratio for your municipality, except that if the average ratio exceeds 100% then the taxable value is the same as the property's market value. The average ratio for your municipality is listed by tax year for every municipality by county at:

<http://www.state.nj.us/treasury/taxation/lpt/chapter123.shtml>

#### (a) COMPARABLE SALES

Not more than five comparable sales shall be submitted to the assessor, clerk and county board of taxation, ***not later than seven calendar days prior to the hearing*** if not included with the petition of appeal. The information regarding each comparable sale shall include the block, lot, sale price and deed date.

**NOTE: COMPARABLE SALES OF REAL PROPERTY ARE ACCEPTABLE EVIDENCE OF MARKET VALUE. COMPARABLE ASSESSMENTS ARE UNACCEPTABLE AS EVIDENCE OF VALUE.**

#### (b) STATEMENT ACCOMPANYING PETITION OF APPEAL FOR INCOME-PRODUCING PROPERTY

An itemized statement showing the amount and source of all income and expenses for the most recently completed accounting year and for such additional years as the board may request should be attached to the petition of appeal in the case of income-producing property.

#### (c) OTHER DATA

Subject to the board's discretion, you may present other relevant information concerning the property under appeal, such as photographs, survey, cost data, etc.

#### (d) APPRAISALS

1. A party relying on expert testimony must provide to the board a written appraisal report for the tax administrator and each board member and one copy of the report to each opposing party ***at least seven calendar days prior to the hearing. If an appraisal is to be used as evidence, the appraiser must be present to testify to his report.***
2. If the municipality is relying on its assessor or a representative of a revaluation company as its expert and if such testimony involves data and analysis that is not reflected on the property record card, the municipality must provide to the board for the tax administrator and each board member copies of a written report reflecting such data and analysis and provide one copy of the report to each opposing party ***at least seven calendar days prior to the hearing.***
3. The board in its discretion and in the interest of justice may waive the requirements for the submission of written reports.
4. At the request of the taxpayer-party, the municipality must also provide that party with a copy of the property record card for the property under appeal ***at least seven calendar days prior to the hearing.***

### 10. SIGNATURE

The signature of the petitioner or petitioner's attorney is required on the petition.

### 11. SETTLEMENTS/STIPULATIONS

A settlement agreed upon between petitioner and respondent must be approved by the county board and must reflect whether the assessor agrees with the settlement. Proposed stipulations/settlements must be executed on forms available at the county board of taxation. If the board approves the settlement, it will enter judgment incorporating the settlement. If the board disapproves the settlement, the board will notify the parties of the denial and will schedule a hearing for the appeal.

### 12. FILING COMPLAINT WITH TAX COURT

The judgment of the county board of taxation may be appealed to the Tax Court of New Jersey by filing a complaint with the Tax Court Management Office ***within 45 days from the date of the service of the judgment (date of mailing)***. If the assessed value of the property subject to the appeal exceeds \$1 million, a taxpayer or taxing district may file a petition of appeal with the county board of taxation or a complaint with the Tax Court directly in accordance with amendatory legislation and Tax Court rules. The Tax Court of New Jersey is located at the Richard J. Hughes Justice Complex, 25 Market Street, Trenton, New Jersey. ***Mailing address: PO Box 972, Trenton, NJ 08625-0972. Telephone number: (609) 292-5082.***

### 13. FREEZE ACT

As per N.J.S.A. 54:3-26, if no further appeal is taken to the Tax Court, the judgment of the county board is "frozen," i.e., conclusive and binding on the assessor and taxing district for the assessment year and for the next two succeeding years, unless there are significant changes in property value via added assessment, municipal wide revaluation, etc. The property owner may end the "freeze" by filing another appeal.

## COMPARABLE SALES ANALYSIS FORM

**NAME:**

**MUNICIPALITY:**

1	PROPERTY LOCATION:	SUBJECT (YOUR HOUSE)	COMPARABLE SALES		
			#1	#2	#3
	BLOCK/LOT/QUALIFIER	BL. L. Q.	BL. L. Q.	BL. L. Q.	BL. L. Q.
	ADDRESS				
2	ASSESSED VALUE		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3	SALES/PURCHASE PRICE				
4	DATE OF SALE/PURCHASE				
5	LOT SIZE				
6	LOCATION (BETTER, ETC)	XXXXXXXXXX			
7	PROXIMITY TO SUBJECT	XXXXXXXXXX			
8	AGE (YEAR BUILT)				
9	CONDITION (GOOD, ETC)				
10	STYLE (RANCH, ETC)				
11	SQ. FT. OF LIVING AREA (GLA)				
12	NUMBER OF LIVING UNITS				
13	TOTAL ROOMS/BDRMS/BATHS	/ /	/ /	/ /	/ /
14	BASEMENT (SIZE)/ FINISH	/	/	/	/
15	TYPE OF HEAT				
16	CENTRAL AIR CONDITIONING				
17	NUMBER OF FIREPLACES				
18	GARAGE (SIZE)/OUTBLDGS				
19	PORCHES/DECKS/PATIO				
20	INGROUND POOL (SIZE)				
21	MISCELLANEOUS ITEMS				

22 **ADDITIONAL COMMENTS:**

**SUBJECT:**

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**SALE #1:**

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**SALE #2:**

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**SALE #3:**

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THIS FORM MUST BE SUBMITTED TO THE TAX BOARD (5 COPIES) AND ONE COPY TO BOTH THE MUNICIPAL OR COUNTY ASSESSOR AND MUNICIPAL CLERK NO LATER THAN SEVEN (7) DAYS PRIOR TO YOUR HEARING

## HOW TO PREPARE A COMPARABLE SALES ANALYSIS

This Comparable Sales Analysis Form is an organizer to help you determine if the equalized assessed value of your property exceeds the market value of your property and to aid you in presenting your argument to the assessor and, if necessary, the county tax board.

The first step is to select legally usable comparable property sales, i.e., open market sales between willing buyers and sellers which would be competing with your property if both were offered on the market at the same time. If a typical buyer looking to purchase your property would also consider purchasing your comparable property, because it has similar utility, location and attractiveness, it's probably a good comparison. Next, use the Comparable Sales Analysis Form to compare your property and the properties that have sold.

1. Properties' Identification-Select at least three, if possible, properties that have sold which are the most similar to your property. On the "Block and Lot" line, enter your property's identification numbers under "subject" and the numbers of the first three comparable properties under "comparable sales" #1, #2 and #3. On the "Address" line, enter your address and the address of each comparable property sold. The "Q" line is only used for condominiums and qualified farm properties.
2. Assessed Value- Enter only the "assessed value" for your property (the subject). Your total assessed value is already on all completed appeal forms. Remember, you are trying to measure market value, not assessed value.
3. Sale/Purchase Price - Enter the sales/purchase price as it appears on the deed. You may confirm prices with public records or with the municipal assessor's office.
4. Sale Date- Enter the sales date, i.e., closing date or deed date. You may confirm dates with public records or with the municipal assessor's office.
5. Lot Size-Enter dimensions, as 50' x 150' (feet), or acres, as 1.25 acres or .50 acres. Note other aspects of the lot as "wooded," "view," "steep," "irregular shape," etc. under "Additional Comments."
6. Location-Here your property's location is the standard; use comparative terms, for example, "similar," "better" or "worse," for each comparable sale property. Explain any significant differences in location in "Additional Comments."
7. Proximity to Subject-Estimate the distance, in miles or blocks, between your property and the comparable properties sold. If a comparable property is in your immediate area write "neighborhood," "next door" or "one block," etc. If you exclude a similar nearby sale property in favor of one that is farther away, you should be able to explain your reason.
8. Age-Enter the year built.
9. Condition- Accurately state the general condition of your property as "good," "fair," "poor," "very good," or "excellent" and the condition of your comparable sales properties using the same terms. Be prepared to justify your statements by your own investigation of each sale. View each comparable property from the exterior and provide at least one photograph of each. Also try to utilize a local multiple listing service, listing agent, or contact the seller, or buyer to ask about the condition of the comparable properties.
10. Style- Identify style as "ranch," or one story, "colonial" or two story, "cape" or 1.5 story, "bi-Level," "split level" or "contemporary," etc. Photos help the assessor and county tax board commissioners recognize the style and attractiveness of the properties.
11. Square Feet or Gross Living Area, (GLA)-Living area includes all livable space above basement level or above grade and is based on gross or exterior dimensions. Exterior dimensions of 25' x 40' and two full stories would have approximately 2,000 square feet of Gross Living Area. The same exterior dimensions with one and one half stories would have about 1,500 sq. ft. of GLA. Your assessor can provide this number for your

property and each comparable property sale. Try to settle any factual issues regarding gross living area, etc. with the assessor prior to a county tax board hearing.

12. Number of Living Units-A single family dwelling is 1 living unit; use 2, 3, or 4 for a two to four family residence. Do not compare a single family dwelling with a multi-unit dwelling. You may compare a multi-unit dwelling with other multi-unit residences having different numbers of dwelling units, as long as they're not single family. An in-law or domestic suite is not a multi-unit dwelling, unless this suite may be legally rented to a non-family member. If so, identify this on this line, as "in-law suite included," and explain under "Additional Comments."
13. Total Rooms/Bedrooms/Baths-Report this as "8/4/2.1" for an eight room, four bedroom, two and one half bath property; for three half baths in the same property "8/4/2.3." Include a "bonus" room in the room count and explain under "Additional Comments." Report basement baths here w/"Added Comments" and unusual positive/negative characteristics of the property layout w/Added Comments.
14. Basement Size/Finish-Write "full," "partial," or "crawl space" or "slab" if none. Enter percentage of finished area, as "100%," "75%," (three quarters finished) or "50%" (half finished). Note if there is a full or half bath on basement level here. Explain quality of the finish and factors as "walk out access" under "Additional Comments."
15. Type of Heat-Write in fuel first, as "gas," "oil" electric" or other; then if the system is "forced air," "hot water" or "steam." Write number as (2) or (3) for properties with 2 or 3 separate systems.
16. Central Air Conditioning-Usually a "yes" or "no" answer. If the property has central air but it's not operating, still indicate central air is present and explain under "Additional Comments." If central air is only for first or second floor of a two story property, for example, write "2<sup>nd</sup> floor only" here.
17. Number of Fireplaces-Enter the number, for example, 1 to 4.
18. Garage (size)/Outbuildings-Example, write "2 car att." for a two-car garage attached to the property or "1 car det." for single car, detached, free-standing garage. Typical outbuildings include sheds, barns, cabanas, etc. Explain condition, size and quality etc., under "Additional Comments."
19. Porches/Decks/Patios- Indicate size, e.g., 10 x 12 or 15 x 25, and character of each. Have a general idea of construction quality and condition.
20. In-Ground Pools-Report size, e.g., 20 x 40 or 18 x 36, and material, e.g., steel wall with vinyl liner, or concrete/gunite. Note the age, if possible, and overall condition of the pool, as best you can. Removable above ground pools are generally not assessed.
21. Miscellaneous Items- Identify and describe.
22. Additional Comments-In this area, add comments to cover key aspects of your property (the subject) and each comparable property which may not be adequately identified on the form, such as "flood zone location" indicating how often, how severely and when the property last flooded. See example comments on the sample form in these instructions. If you have questions, ask your assessor for help.

\*\*\*Remember you are using your comparable properties to substantiate the market value of your property (the subject property.) When deciding whether to appeal, it may be useful to evaluate the entries as superior or inferior to your property. If your entries are mostly inferior, the average of the sale prices should be lower than your property's value. If your entries are mostly superior, then the average of the sale prices should be higher than your property's value. If your items are mostly the same, the average of the sale prices of the comparable sales properties should be similar to your property's market value. An assessed value should not exceed the market value of a property. All properties in a municipality should be assessed at the same level. Bring this form when you meet with the assessor. Submit this form with all copies of your filed appeal at least seven days prior to your hearing before the county tax board commissioners.

by showing the Tax Board the market value of the property as of October 1 of the pretax year. To proceed with an appeal, all taxes and municipal charges up to and including the first quarter of the tax year must be paid.

The taxpayer must be persuasive and present credible evidence. Credible evidence is supported by fact, not assumptions or beliefs. Photographs of both the subject property (the property under appeal) and comparable properties are useful in illustrating your argument. Factual evidence concerning special circumstances is necessary. For example, if the property cannot be further developed, e.g. conservation restriction, supporting evidence must be provided. In the context of an appeal, taxpayers can review Property Record Cards which are available at the local tax office.

The most credible evidence is recent comparable sales of other properties of a similar type in your neighborhood. When using comparable sales, a listing of 3 to 5 sales should be attached to your appeal at the time of filing. Your assessor and County Tax Board Commissioners must receive copies of your comparables at least 7 days before your hearing for them to be discussed. Sales ratio forms, called SR-1A's, (available at the County Tax Board) and deeds (available at the County Clerk's office) are public records and can be used to identify comparable sales and their significant characteristics. Comparable means that most of the characteristics of your property and the neighboring properties sold are similar. Be able to give full property descriptions and be knowledgeable of the conditions, including financing, of the cited sales. Some characteristics that would make a property comparable are: recent sale price, similar square footage of living area measured from the exterior, similar lot size or acreage, proximity to your property, the same zoning use (e.g. duplex in a duplex zone), and similar age, construction and style of structure.

### ***If I recently bought my property, is this purchase price considered?***

Yes, but it does not dictate a change in assessment. Uniformity of treatment requires that value adjustments not be made simply due to a recent sales price. The subject property's sales price may not necessarily be conclusive evidence of true market value, e.g. foreclosure or estate sale, and is not binding upon the Tax Board. The circumstances surrounding a sale are always important.

### ***Are there special rules for commercial properties?***

Yes. Owners of rental income properties must supply an income statement when filing an appeal on special forms provided by the Assessor. Net income generated by a property has a direct bearing on the ability to market the property, and therefore its value. This evidence may be used in arguing both sides of an appeal.

An appeal by a business entity, other than a sole proprietor, e.g. partnership, corporation, LLC, must be prosecuted by an attorney admitted to practice law in New Jersey.

### ***When will I be notified of the Tax Board's judgment?***

By law, the Tax Board must hear and determine all appeals within 3 months of the last day for filing appeals, unless the Director of the Taxation Division grants an extension. Judgments are issued shortly thereafter.

### ***May I appeal the Tax Board judgment?***

If you are dissatisfied with the judgment of the Tax Board, you have 45 days from the date your judgment was mailed to file a further appeal with the Tax Court of New Jersey. If your property is assessed for more than \$1,000,000 you may file directly with the State Tax Court by April 1<sup>st</sup> annually; or 45 days from the date of bulk mailing of Assessment Notices, whichever is later; or by May 1<sup>st</sup> if in a revalued district.

### ***Freeze Act:***

If no further appeal is made from a County Tax Board's judgment, the assessed value set at

appeal is "frozen" for the assessment year and next 2 years. Exceptions: if changes in property value occur after the assessment date, i.e., added assessments; or via a complete revaluation/reassessment of all real property in the district the assessor may revise value. Property owner may end freeze by appealing value.

### ***Summary:***

A taxpayer filing an appeal should consider:

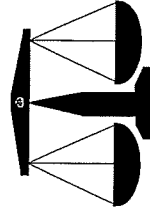
1. What was the market value of my property on the preceding October 1<sup>st</sup>, the statutory assessment date?
2. Can I support my opinion of market value with credible evidence?
3. If a reassessment/revaluation was applied in the current tax year, is my property assessed in excess of its market value?
4. If a revaluation/reassessment was not implemented, does my assessment exceed market value or does the ratio of my property's assessed value to its market value exceed the upper limit of the common level range?

### ***Deadlines to Remember:***

1. Tax appeals are on assessments only, not taxes, and must be filed by April 1<sup>st</sup> of tax year; or 45 days from date of bulk mailing of Assessment Notices, whichever is later; May 1<sup>st</sup> of tax year if revalued or reassessed; January 15<sup>th</sup> for Monmouth County; or (December 1<sup>st</sup> for Added and Omitted Assessments.)
2. All evidence must be submitted to the Assessor and Tax Board at least 7 days prior to the hearing.

**Filing Fees:** Filing fees for an appeal of an assessed valuation or property classification are listed in the instructions for appeal Form A-1. No fee is required to contest denial of the Senior Citizen/Disabled Person's or their Surviving Spouses Deduction; Veterans, Surviving Spouses of Veterans or Servicepersons Deduction; or the Exemption for Disabled Veterans or Surviving Spouses of such Veterans.

# A GUIDE TO TAX APPEAL HEARINGS





## Introduction

This brochure was developed to assist taxpayers in preparing for tax appeal hearings. It is intended as an aid to property owners, but should not be considered as all-inclusive. The general information provided is derived from New Jersey laws governing tax appeals: N.J.S.A. 54:3 et seq. and 54:4 et seq. and N.J.A.C. 18:12A et seq.

Property taxes are the result of the local budget process and may not be appealed but the property's assessment may be. A taxpayer considering an appeal should understand that he/she must prove that his/her assessed value is unreasonable compared to a market value standard. By law, your current assessment is assumed to be correct. You must overcome this presumption of correctness to obtain an assessment change.

### What is the basis for my assessment?

An assessment is an opinion of value by a licensed professional. For an assessed value to be considered excessive or discriminatory, it must be proved that the assessment does not fairly represent one of two standards:

1. **True Market Value Standard**  
After a revaluation, all assessments in the municipality must be 100% of true market value as of October 1 of the previous year. **October 1 pre-tax year is the annual "assessment date."** All evidence for a tax appeal should precede the October 1<sup>st</sup> assessment date, especially property sales used for comparison.  
"Common Level Range" Standard  
To explain the common level range you must consider what happens after a revaluation in your town is completed. External factors such as inflation, recession, appreciation, and depreciation cause values to increase or decrease at varying rates. Other factors such as physical deterioration may change property values. If assessments are not adjusted annually, a deviation from 100% of true market value occurs.

The State Division of Taxation, with local assessors assisting, annually conducts a statewide fiscal year sales survey, investigating most real property transfers. Sale value is compared to assessed value individually to determine an average level of assessment in a municipality. An average ratio is developed from all bona fide, arm's length property sales to represent the assessment level in your community. In any year, except the year a revaluation is implemented, the common level of assessment is the average ratio of the district in which your property is situated, and is used by the County Tax Board to determine the fairness of your assessment.

### How do I know if my assessment is fair?

In 1973, the NJ Legislature adopted a formula known as Chapter 123 to test the fairness of an assessment. Once the Tax Board determines a property's true market value during an appeal, they are required to compare true market value to taxable assessed value.

If the ratio of assessed value to true value exceeds the average ratio by 15%, the assessment is reduced to the common level.

#### Example

Director's Ratio = 85%  
Common Level Range = 72.25%-97.75%  
True Value = \$95000  
Assessment = \$94000  
Ratio = 98.95% (\$94000÷\$95000)  
Judgment = Reduction in assessed value  
New Assessment = \$80750 (\$95000 x 85%)

However, if the assessment falls within this common level range, no adjustment is made.

#### Example

Director's Ratio = 85%  
Common Level Range = 72.25%-97.75%  
True Value = \$95000  
Assessment = \$90000  
Ratio = 94.74% (\$90000÷\$95000)  
Judgment = No change in assessed value

If the assessed value to true value ratio falls below the common level, the Tax Board must increase the assessment to the common level.

#### Example

Director's Ratio = 85%  
Common Level Range = 72.25%-97.75%  
True Value = \$95000  
Assessment = \$67000  
Ratio = 70.53% (\$67000÷\$95000)  
Judgment = Increase in assessed value  
New Assessment = \$80750 (\$95000 x 85%)

The Chapter 123 test assumes the taxpayer will supply the Tax Board with sufficient evidence to determine the true market value of the property subject to appeal. Appellants should inquire into their district's average ratio before filing a tax appeal. This ratio changes each October 1 for use in the next tax year.

### What is a tax appeal hearing; when may I appeal; who hears my appeal?

Tax appeals must be filed annually on or before April 1<sup>st</sup> or within 45 days of the bulk mailing of the Assessment Notices; or May 1<sup>st</sup> where a municipal-wide revaluation or municipal-wide reassessment has been implemented. \*As per Public Law 2013, chapter 15, the appeal filing date for Monmouth County residents is January 15<sup>th</sup>. Call the Monmouth County Tax Board at (732) 431-7404 for information or go to <http://www.visitmonmouth.com/page.aspx?ID=134>. Once filed, a hearing before the County Tax Board is scheduled. The Tax Board consists of members (commissioners) appointed by the Governor. Tax Board Commissioners primarily hear disputes involving assessments. Hearings are usually scheduled during the day, but some Boards schedule differently. Individual taxpayers may represent themselves. Business entities other than sole proprietorships must be represented by an attorney. The taxing district is the opposing party represented by the municipal attorney. The assessor or an appraiser may appear at the hearing as an expert witness.

### Who is an expert witness?

Besides your municipal assessor, an expert witness is anyone employed as a real estate appraiser, and designated as such from a legitimate association of professionals,

according to licensing or certification requirements of the State of New Jersey. An expert's qualifications may be challenged by the municipal attorney at the hearing.

If you intend to rely on expert testimony at your hearing, you must supply a copy of the appraisal report for the assessor and each County Tax Board member at least 7 days before the scheduled hearing. The appraiser who completes the report must be available at the hearing to testify and to afford the municipality an opportunity to cross-examine the witness.

### Is a hearing always necessary?

A hearing is always necessary. If the assessor, municipal attorney, and taxpayer agree to a settlement or otherwise resolve the issues, it may not be necessary for you to attend your hearing. Settlement stipulations must also be submitted to and approved by the County Tax Board. Should the Tax Board disapprove the stipulation, a formal appeal hearing would then be scheduled.

### Will the tax appeal hearing be private?

No. All meetings of the County Board of Taxation are public meetings.

### When are tax appeal hearings held?

Tax appeal hearings are generally held annually within 3 months of the April 1 or May 1 filing deadline (or between the December 1 filing deadline for added and omitted assessments and Jan 1.) Because adjournments are ordinarily denied, you should make every effort to attend your hearing. If you miss or do not attend your hearing without receiving a written notice of postponement, you may assume the case has been dismissed "for lack of prosecution". Judgments "for lack of prosecution" are final for the current year and may not be further appealed to New Jersey Tax Court.

### What is good evidence to convince the Tax Board to reconsider an assessment?

As the appellant, the burden is on you to prove that your assessment is in error, unreasonable, excessive, or discriminatory. You must suggest a more appropriate value