

What To Do If You Disagree With Your Assessment

STATE OF NEW YORK
Eliot Spitzer, Governor



Donald C. DeWitt, Executive Director

New York State Office of Real Property Services
16 Sheridan Avenue
Albany, New York 12210-2714

www.orps.state.ny.us

April 2007

**SECTION ONE:
ADMINISTRATIVE REVIEW (BOARD OF ASSESSMENT REVIEW)**

INTRODUCTION

This publication is designed to inform taxpayers of their right to contest real property assessments and to guide them through the assessment grievance process. It was prepared pursuant to Chapter 100 of the Laws of 1980 and revised in accordance with changes in the Real Property Tax Law.

When you have questions about your assessment you should contact your assessor for an explanation. In order to understand the basis for the assessment of your property, there are certain terms and procedures that you should be aware of.

First, assessments of real property are based on the “market value” (i.e., what a willing buyer would have paid a willing seller) of your property. Though the law does not require that property be assessed at its full market value, all property in an assessing unit must be assessed at a “uniform percentage of value”.

An “assessing unit” may be a county, city, town or village, but not a school district.

It is important to know the difference between the “valuation date” and the “taxable status date” of your property. The value of property must be determined as of the valuation date. However, the taxable status of the property must be determined according to its condition and ownership as of the taxable status date.

The difference between valuation date and taxable status date can be explained as follows (since most towns use a July 1 valuation date and a March 1 taxable status date, those are the dates used in the example):

The assessor notes the condition and ownership of a particular property as of March 1, but the assessor must value it according to what it would have sold for on the open market as of the previous July 1. In some situations, a significant change in value will have occurred in that eight-month period. If the property was a vacant lot on July 1 and has a house built on it by March 1, the assessor should value the property according to what it would have been worth on July 1 with the house already there. On the other hand, if a house was located on the property on July 1 but it was destroyed prior to March 1, the assessor should value the property according to what it would have been worth on July 1 without the house.

The taxable status dates and valuation dates vary among cities, villages and some towns, so you should consult the assessor’s office or the municipal clerk as to which dates apply in your municipality. Applications for renewable exemptions, such as those for senior citizens or farmers, must be filed by the taxable status date.

On taxable status date or immediately thereafter, the assessor is required to publish a notice in the locality's official newspaper stating that the assessment inventory and valuation data for your property are available for review and that an appointment may be made with the assessor to review such information.

Another important date in the assessment grievance process is the "tentative roll date". That is the date by which the assessor must file the tentative assessment roll to be used for taxing purposes. For most towns, the tentative roll date is May 1. However, this date also varies among cities, villages and some towns, so you should consult the assessor's office or the municipal clerk as to which date applies in your municipality.

The assessor is required to place a notice in the locality's official newspaper or newspaper of general circulation noting that the tentative assessment roll has been filed, when and where it will be available for public review and when and where the board of assessment review (BAR) will meet to hear assessment complaints. In towns, the notice must also be posted at the entrance to the town clerk's office. State law does not permit the assessor to change assessments after the tentative assessment roll has been filed. Only the BAR can authorize such changes.

Real Property Tax Law section 510 requires the assessor to notify the taxpayer by mail of an increase in assessment, at least 10 days before the date for hearing assessment complaints. The notice should specify each parcel of real property, the assessed valuation for the new assessment year and for the previous year, and the net increase in the assessment.

Such notice should also advise that this publication is available at the assessor's office. Your assessor should complete a fact sheet containing the following information and include it in this publication:

- Address and telephone number of assessor's office;
- Dates, time and location for inspecting the tentative assessment roll;
- Date, time and location for hearing formal assessment complaints;
- Last date for filing of assessment complaints;
- Latest State equalization rate and residential assessment ratio for the assessing unit;
- Stated uniform percentage of value that appears on the tentative assessment roll

It is your responsibility to check your assessment on the tentative roll after it has been filed. Failure to receive a notice of increased assessment will not invalidate your assessment. There is a presumption that the assessment made by the assessor is correct. The burden to prove otherwise is on the property owner.

In situations where the assessor and the owner agree about the assessment after the tentative assessment roll has been filed, the law authorizes them to enter into a stipulation to the agreed-upon assessment. Stipulations are presented to the BAR for ratification (Part 6 of the Complaint form is used for this purpose). After meeting with your assessor, if you are still dissatisfied, you have the right to file a formal complaint with your BAR by the filing deadline.

Non-resident Property owners - If you are a non-resident of a municipality in which you own property, you may file a written request for a list of your property, the assessed value, and the time and place for hearing grievances. This request must be made no later than 15 days before the date required by law for completion and filing of the tentative assessment roll. The assessor must mail the information to you no later than five days after the completion of the tentative assessment roll.

GENERAL INFORMATION FOR FILING COMPLAINTS ON REAL PROPERTY ASSESSMENTS

Who may complain? Any person aggrieved by an assessment (e.g., an owner, purchaser or tenant who is required to pay the taxes pursuant to a lease or written agreement) may file a complaint (RP-524).¹ You may complete the complaint yourself or your representative or attorney may complete it for you. A blank copy of the complaint form is available in this publication. It is also available from your assessor's office, your county real property tax services office or at www.orps.state.ny.us/ref/forms/pdf/rp524.pdf. (New York City and Nassau County each have their own complaint forms and grievance procedures – see footnote below.)

What assessment may be reviewed? The only assessment that may be reviewed is the assessment on the current tentative assessment roll completed by the local assessor. As a general rule, a separate complaint should be filed for each separately assessed parcel.

Where must the complaint be filed? The complaint must be filed in the city or town in which the property is located, with either the assessor or the board of assessment review. You may deliver the complaint either to the assessor or to the BAR. You may also mail your complaint for review, but it must be received by the assessor or the BAR no later than the day the BAR meets to hear complaints. If the property is located in a village which assesses property, there will be two assessments, one by the village and one by the town. If the complainant wishes to have both the town and the village assessments reviewed, the complainant must file separate complaints with the town assessor (or BAR) and the village assessor (or BAR). To determine whether the village produces its own assessment roll, consult the village clerk.

When must the complaint be filed? You may file the complaint with the assessor on or before the first day the BAR meets to hear complaints or with the BAR on such day (also known as “grievance day”). If you file your complaint fewer than four business days before the BAR meets, the board is required to grant the assessor's request for an adjournment to allow the assessor to prepare a response to the complaint. The failure to file your complaint on time closes off your right for administrative and judicial review of this year's assessment.

¹ New York City and Nassau County each have their own complaint form and procedures. Contact the New York City Tax Commission at 212-669-4410- or www.nyc.gov/html/taxcomm/html/home/home.shtml; contact the Nassau County Department of Assessment at 516-571-1500 or www.nassaucountyny.gov/agencies/Assessor/ or the Nassau County Assessment Review Commission at 516-571-2391 or www.nassaucountyny.gov/agencies/ARC/index.html for forms or more information.

A non-resident owner can request a date after grievance day for the grievance hearing. Request must be made to the BAR or to the assessor on or before grievance day and the BAR must set a date no later than 21 days after grievance day for the hearing.

When is the meeting of the board of assessment review? In most towns, the BAR meets on the fourth Tuesday of May, except as follows:

- In **Erie County**, town BARs meet on the first Tuesday of June;
- In **Suffolk County**, town BARs meet on the third Tuesday of May;
- In **Westchester County**, town BARs meet on the third Tuesday in June;
- In **Nassau County**, the Assessment Review Commission meets throughout the year, but complaints must be filed by March 1.
- In **cities**, the date for the meeting of the BAR must be ascertained from specific charter provisions and the assessor's or the city clerk's office should be contacted; and
- In **most villages** which assess real property, the BAR meets on the third Tuesday of February; however, village assessment calendars may vary, and the village clerk should be consulted.

In cities and towns which employ an assessor who is at the same time employed by another assessing unit, the local governing body may adopt a local law establishing a different date for the meeting of the BAR. That date may be no earlier than the fourth Tuesday in May and no later than the second Tuesday in June. You should check with your city or town clerk to determine if such a local law is in effect in your city or town.

Complaint procedure

1. Your written complaint should include statements, records, and other relevant information to support your complaint.
2. You should be very careful when determining how much of an assessment reduction to request because you may be precluded from obtaining a greater reduction than the amount you request, even if circumstances should show that a larger reduction is warranted.
3. You have the right to attend the hearing of the BAR and to present statements in support of your complaint. You may appear personally, with or without your attorney or other representative.
4. The BAR consists of three to five members appointed by the legislative body of the assessing unit. The BAR cannot include the assessor or any staff from the assessor's office. Assessors, however, are required to attend all formal hearings of the board and have the right to be heard on any complaint.

You have the right to be represented by your attorney or other representative. To do so, you must authorize such person to appear on your behalf (see Part Four of RP-524). This authorization must be in writing and bear a date within the same calendar year during which the complaint is filed.

5. The BAR may require the taxpayer or his/her representative to appear personally, or to submit additional evidence. If the taxpayer or taxpayer's representative willfully refuse to do so, or refuse to answer any material question, the taxpayer will not be entitled to a reduction in assessment.

6. You (or your representative) and the assessor (or member of the board of assessors designated by a majority of the board of assessors) may stipulate to a reduced assessment of the value of your property. To do so, Part Six of the form must be completed and signed. Be sure to receive a copy of the signed stipulation for your records. If you enter into a stipulation, you may not ask the BAR for a further reduction in your assessment, and if the agreed upon assessment appears on the final assessment roll, you will not be allowed to seek a lower assessment through judicial review.

7. The BAR must mail to each complainant a notice of the board's determination except where the board ratifies a stipulated assessment. Such notice must contain a statement of the reasons for the board's determination.

If you are dissatisfied with the decision of the BAR, you may seek judicial review by commencing a tax certiorari proceeding in New York State Supreme Court pursuant to Article 7 of the Real Property Tax Law, or by commencing a proceeding for Small Claims Assessment Review (SCAR). SCAR is only available to owner-occupants of one, two or three family dwellings which are used exclusively for residential purposes, or the owners of vacant land that is not of sufficient size to contain a one, two or three family dwelling.

Either of these procedures must be commenced within 30 days of the filing of the final assessment roll or notice of such filing, whichever is later.

INSTRUCTIONS FOR COMPLETING THE COMPLAINT FORM (RP-524)

Complaint form

Complaints in relation to assessments on city, town and village assessment rolls must be made on Form RP-524. All relevant parts of the complaint form must be completed. Failure to do so could result in dismissal of the complaint and preclude subsequent judicial review.

Part One - General information

Enter the required identifying information, including your estimate of current full market value of your property.

Part Two - Value of property

You are required to submit proof necessary to determine the value of your property. Generally, "value" means market value, i.e., the price your property would sell for in the open market (assuming no unusual circumstances). Market value can be estimated from a recent sale of your property or from an analysis of recent sales of comparable properties. When your property is of a type which is not frequently bought and sold, the value of the property may be estimated using

other techniques. If the property is income producing (e.g., rental property), value may be estimated by using an income capitalization methodology. If your property is “specialty property” (i.e., property designed for unique purposes or uniquely adapted to the use made of it, which cannot be converted to other uses without expenditure of substantial sums of money), value may be estimated by using the cost method.

To establish the value of your property, the following information may be useful:

1. Purchase price of the property, if recent;
2. Offering price of your property, if recently offered for sale;
3. Professional appraisal of your property;
4. Cost of construction, if recently built;
5. Rental information, if property is rented;
6. Income and expense information, if property is commercial or industrial; or
7. Purchase price of comparable property recently sold.

Part Three - Grounds for complaint

There is a presumption under the law that the assessment made by the assessor is correct. The burden of proof is with you, the complainant, to overcome this presumption. To obtain a correction of your assessment, you must show that the original assessment is unequal, excessive or unlawful or that your property has been misclassified.

A. Unequal Assessment

1. Generally, if assessments in your city, town or village are not made at full value, State law requires that they be made at a uniform percentage of value. If you believe that your property is assessed at a higher percentage of value than the average of all other properties on the same assessment roll, you may claim an unequal assessment. For example, if you prove the value of your property is \$60,000, an assessment of \$45,000 would show that your property is assessed at 75% of market value. If you prove that all other property on the average is assessed at 50%, you may claim a reduction of your assessment to \$30,000.

2. If you own a one, two or three family residence and if you believe that it is assessed at either a higher proportion of full (market) value than other residential property on the assessment roll or at a higher proportion of full (market) value than the assessed valuation of all real property on the assessment roll, you may claim an unequal assessment. For example, if you prove the value of your property is \$60,000, an assessment of \$30,000 would show that it is assessed at 50% of market value. If you prove that all other residential property is assessed on the average at 25%, you may claim a reduction of your assessment to \$15,000.

3. To demonstrate that your property is unequally assessed, you must first establish the full value of the property as indicated above. Note that the State law now requires that the assessment roll display the assessor’s estimate of the full value of your property. Then you must establish the average percentage of value at which all other properties are assessed on the same assessment roll. To establish the average percentage of value at which all property is assessed on the assessment roll, the following information may be useful:

- a. The uniform percentage of value appearing on the assessment roll;
- b. The latest State equalization rate or residential assessment ratio for your assessing unit (city, town or village), which is available from your assessor, county director of real property tax services, or the State Office of Real Property Services;
- c. Market values and assessments of a sample of other properties on the same assessment roll;
- d. Purchase price and assessment of other properties recently sold; and
- e. Statements of the assessor or other local official.

Once you have established the value of your property and the average percentage of value at which all other properties are assessed, you must apply the percentage to the value of your property and then compare the result to your assessment. If the result is lower than your assessment, you may request that your assessment be reduced to that lower amount. In the case of one, two or three family residential real property, you also have the option of proving that the percentage of full value represented by your assessment is higher than the average percentage at which other residential properties are assessed on the same assessment roll. To establish the average percentage at which residential property is assessed on the assessment roll, the latest residential assessment ratio established for your assessing unit is useful. (The residential assessment ratio is available from your assessor, county clerk or county director of real property tax services, or the State Office of Real Property Services.) Once you have established the average percentage at which other residential properties are assessed, you must apply this percentage to the value of your property. If the result is lower than your assessment, you may request that your assessment be reduced to that lower amount.

B. Excessive Assessment

1. **Overvaluation.** If you believe the assessed valuation of your property is greater than the full market value of the property, you may claim an excessive assessment. To establish the full market value of your property, you should supply the kind of information set forth above.
2. **Incorrect Partial Exemption.** If your property was denied all or a portion of a partial exemption (e.g., senior citizens, veterans, school tax relief [STAR]), you may also claim an excessive assessment. If you filed an application for the partial exemption with the assessor, submit a copy of the application with your complaint. If you do not have a copy, you should request the assessor to submit it to the BAR.
3. **Excessive Transition Assessment.** Cities, towns and villages certified by the State Board as approved assessing units may adopt a system of transition assessments to phase in over five years all increases and decreases in assessed valuations resulting from a revaluation. If your city, town or village has adopted transition assessments and you believe that the transition assessment for your property has been improperly calculated, you may claim an excessive assessment.

C. Unlawful Assessment

1. Property wholly exempt. Certain real property of certain organizations and agencies is wholly exempt from real property taxation (for example, churches, colleges, etc.) If your claim is that the assessment is unlawful because the property should be wholly exempt, you should supply the BAR with information upon which it may make a judgment, including a completed exemption application form if required. (NOTE: If your claim relates to a partial exemption such as a veterans or senior citizen exemption, the assessment is not unlawful, but a failure to grant all or a portion of a partial exemption may constitute an excessive assessment. See item B.2. – Incorrect Partial Exemption above.)
2. Property is entirely outside the boundaries of the city, town, village, school district or special district in which it is designated as being located. If your property is located totally outside the boundaries of the city, town, village, school district or special district indicated on the assessment roll, the assessment on this property is unlawful. You must produce facts showing that no part of the property in question was located within the jurisdiction on taxable status date.
3. Assessment made by person or body without authority. If your property was assessed by someone other than the assessor or if your assessment was entered or changed after the tentative assessment roll was filed, your assessment is unlawful.
4. Property cannot be identified from description. If your property cannot be located from the description on the assessment roll, your assessment is unlawful.
5. If your property is special franchise property and the assessment exceeds the final assessment thereof as determined by the State Office of Real Property Services, your assessment is unlawful.

D. Misclassification (Relevant only in approved assessing units which establish homestead and non-homestead tax rates.)²

Cities, towns and villages certified by the State Board as approved assessing units may elect to establish separate tax rates for homestead and non-homestead real property.

The homestead class includes:

- One, two, or three family residential parcels
- Residential condominiums
- Mixed use parcels (i.e., used in part for residential purposes and in part for non-residential purposes), if the primary use is residential
- Mobile homes and trailers, only if they are owner-occupied and separately assessed
- All vacant land parcels, not exceeding ten acres, which are located in an assessing unit which has a zoning law or ordinance in effect, provided that such parcels are located in a zone that does not allow a residential use other than for one, two or three family dwelling residential real property
- Farm dwellings

² Nassau County and New York City are subject to a different classification system.

- All land used in agricultural production which is eligible for an agricultural assessment pursuant to section 305 or 306 of the Agriculture and Market Law, if the owner has filed an annual application for an agricultural assessment
- All farm buildings and structures as defined in Real Property Tax Law, section 483(3), located on such land used in agricultural production.

The non-homestead class includes all other real property (e.g., commercial, industrial, special franchise and utility property, and some vacant land.)

These are two possible claims of misclassification.

1. The parcel has been designated in the wrong class on the assessment roll.
2. The allocation of your parcel's total assessed value-between the homestead and non-homestead parts is incorrect. For example, your 100 acre parcel is assessed for \$50,000. The assessor allocates \$20,000 of that amount to your residence and surrounding 10 acres, the other \$30,000 being allocated to the remaining 90 acres. You believe that the \$50,000 total assessment is correct but you contend that the residence and 10 acres are worth one-half of the total, or \$25,000. (The question of allocation will be significant because of the different tax rates for the homestead and non-homestead classes.) In this case, you may claim that your property is misclassified and request that the assessed value be allocated equally between your residence and surrounding 10 acres and the remaining 90 acres.

If you contest only the allocation without seeking review of the total assessed value, only the "Misclassification" claim need be raised. However, if you believe that your assessment is unequal or excessive and the allocation between the homestead and non-homestead parts is incorrect, then you should check both misclassification and unequal or excessive assessment. Using the same example as above, if you claim that the total assessed value should be reduced from \$50,000 to \$35,000, you must show an allocation of the \$35,000 between the homestead and non-homestead shares.

E. Penalty for false statements

A person making willful false statements on a complaint form may be charged with a crime punishable by law.



**NYS BOARD OF REAL PROPERTY SERVICES
COMPLAINT ON REAL PROPERTY ASSESSMENT FOR 20_____**

BEFORE THE BOARD OF ASSESSMENT REVIEW FOR _____
(city, town village or county)

PART ONE: GENERAL INFORMATION

(General information and instructions for completing this form are contained in form RP-524-Ins)

1. Name and telephone no. of owner(s)

2. Mailing Address of owner(s)

Day no. () _____

Evening no. () _____

3. Name, address and telephone no. of representative of owner, if representative is filing application.
(if applicable, complete Part Four on page 4.)

4. Property location

Street Address

Village (if any)

City/Town

County

School District

5. Property identification (see tax bill or assessment roll)

Tax map number or section/block/lot _____

Type of property: Residence _____ Farm _____ Vacant land _____

Commercial _____ Industrial _____ Other _____

Description: _____

Assessed value appearing on the assessment roll:

6. Land \$ _____ Total \$ _____

7. Property owner's estimate of current full market value of property (see Part Two on page 2) \$ _____

PART TWO: INFORMATION NECESSARY TO DETERMINE VALUE OF PROPERTY

(If additional explanation or documentation is necessary, please attach)

Information to support the value of property claimed in Part One, item 7 (complete one or more):

1. ___ Purchase price of property:\$ _____
 - a. Date of purchase: _____
 - b. Terms: ___Cash ___Contract ___Other (explain)
 - c. Relationship between seller and purchaser (parent-child, in-laws, siblings, etc.): _____
 - d. Personal property, if any, included in purchase price (furniture, livestock, etc.; attach list and sales tax receipt): _____

2. ___ Property has been recently offered for sale (attach copy of listing agreement, if any):

When and for how long: _____

How offered: _____ Asking price: \$ _____

3. ___ Property has been recently appraised (attach copy): When: ___ By Whom: _____

Purpose of appraisal: _____ Appraised value: \$ _____

4. ___ Description of any buildings or improvements located on the property, including year of construction and present condition: _____

5. ___ Buildings have been recently remodeled, constructed or additional improvements made:

Cost \$ _____

Date Started: _____ Date Completed: _____

Complainant should submit construction cost details where available.

6. ___ Property is income producing (e.g., leased or rented), commercial or industrial property and the complainant is prepared to present detailed information about the property including rental income, operating expenses, sales volume and income statements.

7. ___ Additional supporting documentation (check if attached).

PART THREE: GROUNDS FOR COMPLAINT

A. UNEQUAL ASSESSMENT (Complete items 1-4)

1. The assessment is unequal for the following reason: (check a or b)
 - a. ___ The assessed value is at a higher percentage of value than the assessed value of other real property on the assessment roll.
 - b. ___ The assessed value of real property improved by a one, two or three family residence is at a higher percentage of full (market) value than the assessed value of other residential property on the assessment roll or at a higher percentage of full (market) value than the assessed value of all real property on the assessment roll.
2. The complainant believes this property should be assessed at _____% of full value based on one or more of the following (check one or more):
 - a. ___ The latest State equalization rate for the city, town or village in which the property is located is _____%.
 - b. ___ The latest residential assessment ratio established for the city, town or village in which the residential property is located. Enter latest residential assessment ratio only if property is improved by a one, two or three family residence _____%.
 - c. ___ Statement of the assessor or other local official that property has been assessed at _____%.
 - d. ___ Other (explain on attached sheet).
3. Value of property from Part one #7\$ _____
4. Complainant believes the assessment should be reduced to\$ _____

B. EXCESSIVE ASSESSMENT (Check one or more)

The assessment is excessive for the following reason(s):

1. ___ The assessed value exceeds the full value of the property.
 - a. Assessed value of property\$ _____
 - b. Complainant believes that assessment should be reduced to full value of (Part one #7)\$ _____
 - c. Attach list of parcels upon which complainant relies for objection, if applicable.
2. ___ The taxable assessed value is excessive because of the denial of all or portion of a partial exemption.
 - a. Specify exemption (e.g., senior citizens, veterans, school tax relief [STAR]) _____
 - b. Amount of exemption claimed\$ _____
 - c. Amount granted, if any:\$ _____
 - d. If application for exemption was filed, attach copy of application to this complaint.
3. ___ Improper calculation of transition assessment. (Applicable only in approved assessing unit which has adopted transition assessments.)
 - a. Transition assessment\$ _____
 - b. Transition assessment claimed\$ _____

C. UNLAWFUL ASSESSMENT (Check one or more)

The assessment is unlawful for the following reason(s):

1. ___ Property is wholly exempt. (Specify exemption (e.g., nonprofit organization)) _____
2. ___ Property is entirely outside the boundaries of the city, town, village, school district or special district in which it is designated as being located.
3. ___ Property has been assessed and entered on the assessment roll by a person or body without the authority to make the entry.
4. ___ Property cannot be identified from description or tax map number on the assessment roll.
5. ___ Property is special franchise property, the assessment of which exceeds the final assessment thereof as determined by the State Board of Real Property Services. (Attach copy of State Board certificate.)

D. MISCLASSIFICATION (Check one)

The property is misclassified for the following reason (relevant only in approved assessing unit which establish homestead and non-homestead tax rates):

- ___ Class designation on the assessment roll: _____
1. ___ Complainant believes class designation should be _____
 2. ___ The assessed value is improperly allocated between homestead and non-homestead real property.

Allocation of assessed value on assessment roll	Claimed allocation
Homestead\$ _____	_____
Non -Homestead\$ _____	_____

PART FOUR: DESIGNATION OF REPRESENTATIVE TO MAKE COMPLAINT

I, _____, as complainant (or officer thereof) hereby designate _____ to act as my representative in any and all proceedings before the board of assessment review of the city/town/village/county of _____ for purposes of reviewing the assessment of my real property as it appears on the ____ (year) tentative assessment roll of such assessing unit.

Date Signature of owner (or officer thereof)

PART FIVE: CERTIFICATION

I certify that all statements made on this application are true and correct to be best of my knowledge and belief, and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the Penal Law relevant to the making and filing of false instruments.

Date Signature of owner (or representative)

PART SIX: STIPULATION

The complainant (or complainant's representative) and assessor (or assessor designated by a majority of the board of assessors) whose signatures appear below stipulate that the following assessed value is to be applied to the above described property on the ____ (year) assessment roll: Land \$ _____ Total \$ _____

(Check box if stipulation approves exemption indicated in Part Three, section B.2. or C.1.)

Complainant or representative Assessor Date

SPACE BELOW FOR USE OF BOARD OF ASSESSMENT REVIEW

- | | |
|--|--|
| Disposition | |
| <input type="checkbox"/> Unequal assessment | <input type="checkbox"/> Excessive assessment |
| <input type="checkbox"/> Unlawful assessment | <input type="checkbox"/> Misclassification |
| <input type="checkbox"/> Ratification of stipulated assessment | <input type="checkbox"/> No change in assessment |

Reason: _____

Vote on Complaint

- | | | | | |
|---|-------|----------------------------------|----------------------------------|---------------------------------|
| <input type="checkbox"/> All concur | | <input type="checkbox"/> against | <input type="checkbox"/> abstain | <input type="checkbox"/> absent |
| <input type="checkbox"/> All concur except: _____ | Name | <input type="checkbox"/> against | <input type="checkbox"/> abstain | <input type="checkbox"/> absent |
| | _____ | <input type="checkbox"/> against | <input type="checkbox"/> abstain | <input type="checkbox"/> absent |
| | Name | | | |

	<u>Tentative assessment</u>	<u>Claimed assessment</u>	<u>Decision by Board of Assessment Review</u>
Total assessment	\$ _____	\$ _____	\$ _____
Transition assessment (if any)	\$ _____	\$ _____	\$ _____
Exempt amount.....	\$ _____	\$ _____	\$ _____
Taxable assessment.....	\$ _____	\$ _____	\$ _____

Class designation and allocation of assessed value (if any):
 Homestead\$ _____ \$ _____ \$ _____
 Non-homestead\$ _____ \$ _____ \$ _____
 Date notification mailed to complainant _____

SECTION TWO: SMALL CLAIMS ASSESSMENT REVIEW

The New York State Unified Court System (UCS) is responsible for administering the Small Claims Assessment Review (SCAR) program. Reprinted herein are the following UCS publications:

- *General Information and Filing Requirements for Counties Outside of New York City*,
- *Instructions for Filing a Petition [Form RPTL 730]*, and
- *Form RPTL 730 (Revised March 2007)* for use in seeking assessment reductions for qualified properties before a Small Claims Assessment Review Hearing Officer.

Information regarding SCAR proceedings for property located in New York City can be obtained from the New York City Tax Commission at 212-669-4410 or www.nyc.gov/html/taxcomm/html/home/home.shtml

GENERAL INFORMATION AND FILING REQUIREMENTS FOR COUNTIES OUTSIDE OF NEW YORK CITY

Who may file? Any person aggrieved by an assessment of a one, two or three-family, owner-occupied residential structure used *exclusively* for residential purposes who has filed a written complaint with the board of assessment review (or other administrative review body of the assessing unit) in regard to that assessment. Condominiums are not eligible for small claims review, EXCEPT (1) owner-occupied condominiums used exclusively for residential purposes that are located in Nassau County and designated as “Class One” property. (See Section 1802(1), Real Property Tax law), and (2) condominiums that have been designated in the “homestead” class in any approved assessing unit, are eligible.

You may complete the Petition yourself, or have a representative do it for you. If you choose to have a representative file for you, you must complete the “Designation of Representative” section of the petition.

What assessment can be reviewed? The only assessment that can be reviewed is that on the current final assessment roll completed and filed by your assessor. The right to review is based upon the timely filing of a written petition. A separate petition must be filed for each separately assessed parcel. You may not request an assessment lower than that which you requested before the Board of Assessment Review. The assessment of a property having an equalized value of \$450,000 or less may be reviewed without further limitation. If the equalized value of the property exceeds \$450,000, the total assessment requested reduction may not exceed 25 percent of the assessed value.

When and where must the petition be filed? Three copies of the petition must be filed with the Clerk of the county in which your real property is located, within 30 days of the filing of the final assessment roll for your assessing unit. Your petition must be accompanied by a \$30 filing fee and should include supporting statements, records, and other relevant information to support your petition. If you cannot file your petition in person you may mail your petition, but it must

be mailed no later than 30 days after the final assessment roll is completed and filed. The failure to file your petition on time may result in a dismissal of your claim.

Towns and villages are separate assessing units. Therefore, if your property is located in a village, filing a petition with respect to your town assessment or your village assessment alone will not affect the assessment by the other jurisdiction.

In addition:

- a. You must mail by certified mail, return receipt requested, or, deliver in person, one (1) copy of the petition to the clerk of the assessing unit, or if there is no such clerk, to the officer who performs the customary duties of the clerk.
- b. You must mail, by regular mail, one (1) copy of the petition to the clerk of any school district where any part of the property, the assessment on which is to be reviewed, is located, except with respect to a school district within a city of 125,000 population or more.* If there is no clerk of the school district, or the clerk's name and address cannot be obtained, the mailing may be made to a trustee of the school district.
- c. You must mail, by regular mail, one (1) copy of the petition to the treasurer of the county in which the property is located and one (1) copy of the petition to the assessor, or, the chairman of the board of assessors.
- d. The mailings and delivery, referred to above must be done within ten days from the date of filing three copies of the petition with the County Clerk. The County Clerk is also the Clerk of the Supreme Court.

When is the final assessment roll filed? A final assessment roll is considered completed and filed when the assessor publishes notice of that fact in the official newspaper of the assessing unit.

In most towns, the final assessment roll is required to be filed by July 1st, except that in towns in the County of Suffolk, it must be filed no later than September 1st; in towns in the County of Westchester no later than September 15th, and in the towns in Erie and Nassau Counties, no later than April 1st.

In cities, the date for filing of final assessment rolls varies based upon provisions of each city's charter. You should contact the office of the assessor or the city clerk for this information.

In most villages, final assessment rolls must be filed by April 1st; however some village assessment calendars vary and you therefore should contact the village clerk's office for this information.

How will your case be heard?

1. After you have filed your petition, the Assessment Review Clerk in the Supreme Court in the county will assign your case to a hearing officer. The hearing officer will contact you directly to set a date, time and place for a hearing.

* Buffalo City School District, Rochester City School District, Syracuse City School District and Yonkers City School District.

2. You may appear personally, with or without an attorney or other representative, to support the statements contained in the petition and attachments.
3. You may authorize an attorney or other representative to appear personally without you to support the petition. This authorization must be in writing and bear a date within the same calendar year during which the petition is filed.
4. There is a presumption under the law that the assessment made by the assessor is correct. The burden of proof is with you, the petitioner, to overcome this presumption.
5. The hearing officer will require you or your representative to appear personally, and may request that you submit additional evidence. If you willfully refuse or neglect to produce such evidence, or to answer any material question put to you, you may be unable to obtain any reduction in assessment from the hearing officer. Failure to appear shall result in the petition being determined by the hearing officer based upon the available evidence submitted.
6. The hearing officer may determine the final assessment to be the same as or less than the original assessment. However, he cannot reduce your assessment to an amount lower than you claimed on your petition.
7. Amount of reduction on petition is limited by amount claimed. The amount by which you believe your assessment should be reduced cannot later be changed after you enter this amount on the petition and file it. For example, if you claim an excessive assessment and set forth in your petition that you seek a reduction of \$2,000, you cannot later seek a larger reduction than the \$2,000 originally sought. Further, the hearing officer cannot legally grant a greater reduction than the amount you request, even if circumstances should show that a larger reduction is warranted.
8. Filing of a petition for small claims assessment review constitutes a waiver of a right to commence a proceeding for judicial review of the assessment pursuant to Title 1 of Article 7 of the Real Property Tax Law.

INSTRUCTIONS FOR COMPLETING THE PETITION [Form RPTL 730]

Part I – General Information

You or your representative must complete all of Part 1, except for “filling number” and “calendar number”, which are the responsibility of the County Clerk and the assessment review clerk. (Of course, you should complete the information regarding a representative only if you choose not to represent yourself.)

1. An “assessing unit” is each city, town and village, except in the counties of Nassau and Tompkins. In Nassau County, the County assesses real property instead of the towns (cities and villages in that county remain independent assessing units). In Tompkins County, the County is the assessing unit for all municipalities (i.e., the City of Ithaca and all towns and villages).

2. The “date of the completion and filing of the assessment roll” is deemed to be the later of: (a) the last date allowed by law for such filing, or (b) the date on which the assessor publishes and posts notice of the filing. This date is important because a petition filed more than 30 days after the filing of the assessment roll may be dismissed as untimely.

Thus, if your property is located in a town in which the final assessment roll should be completed and filed by July 1, but the assessor fails to publish notice of the filing until July 10, you should enter “July 10” on line 2 of part 1A. Conversely, if the assessor in such town filed his assessment roll on June 25, you should enter “July 1,” because that is the last date allowed by law for the filing and it is later than the date of the actual filing.

If you have any questions concerning the filing of the final assessment roll, you should contact your assessor.

3. Simply enter the information as shown on the final assessment roll. On line 3(a) enter the total assessed value as shown on the assessment roll. On line 3(b), enter the total of all exempt amounts, such as aged, veterans, etc. If there is more than one exemption, please list each exemption and the amount. Line 3(c) is the amount on 3(a) *minus* the amount on 3(b).
4. Show the date of the filing in person or of mailing this petition to the County Clerk’s office. **WARNING: IF THE PETITION IS FILED, IN PERSON OR BY MAIL, LATER THAN 30 DAYS OF THE FILING THE FINAL ASSESSMENT ROLL, IT MAY BE DISMISSED.**
- 5-8. These items are self-explanatory. Number 6 should be completed (along with the “Designation of Representative” section) only if you have selected someone else to file or appear on your behalf.

Part II – Grounds for Petition

A. Assessment Requested

The amount of assessment reduction is limited in two ways. First, you may not request an assessment lower than the assessment you requested on the complaint form filed with your assessor or the Board of Assessment Review. For example, if your property was tentatively assessed at \$25,000, and you requested an assessment of \$20,000, you may *not* request an assessment of less than \$20,000 on this petition. Enter the amount you requested in the space provided. Include the total assessment, the amount of exemptions, if any (such as veterans exemptions), and the taxable assessment.

B. Maximum Reduction

In certain instances, you may not request an assessment reduction of more than 25 percent of your current assessment. To determine if this limitation applies to your property perform the equalized value calculation. If your property is not in a special assessing unit, the equalized value is calculated by dividing the assessed value of your property by the latest State equalization rate. If your property is in a special assessing unit, the equalized value is calculated by dividing the assessed value of your property by the class one ratio. If you are challenging a

village assessment, you must use the State equalization rate for the village. Your assessor or the County Director of Real Property Tax Services can advise you if your property is in a special assessing district, and can provide you with the appropriate equalization rate or class one ratio.

If the EQUALIZED VALUE is greater than \$450,000, the total *reduction* in assessment requested may not exceed 25 percent of the assessed value. If the EQUALIZED VALUE is \$450,000 or less, you are limited to requesting a *reduction* that does not exceed what was requested before the Board of Assessment Review.

C. Unequal Assessment

1. If you believe your property is assessed at a higher percentage of full (market) value than the average of all other properties on the same assessment roll or at a higher percentage of full value than other residential properties on that assessment roll, you may claim an unequal assessment and you should complete this section of the petition.

For example, if you prove the market value of your property is \$20,000, a total assessment of \$15,000 would show that it is assessed at 75 percent of market value. If you prove that all other property, or other residential property, on the average is assessed at 50 percent (see below) you may claim a reduction of your total assessment to \$10,000.

2. You must establish the market value of your property in order to develop the percentage of market value represented by your total assessment. (See “Information To Support Your Full (Market) Value Claims,” below.) Then you must prove that this percentage is higher than the average percentage at which all other properties or other residential properties are assessed on the same assessment roll.

This section of the petition requires that you set forth the information to establish the average percentage of full value at which property is assessed on the assessment roll. You may find the following information useful:

1. The latest state equalization rate for your assessing unit (county, city, town or village).
2. The latest residential assessment ratio for your assessing unit, if your claim is that your property is assessed at a higher percentage of full value than other residential properties on the same roll.
3. The assessments and either the market value or recent purchase price of comparable residential properties.
4. Statements of the assessor or other local officials.

D. Excessive Assessment

1. **Overvaluation.** If you believe the total assessed value of your property is greater than the market value of the property, you may claim an excessive assessment by completing this section of the Petition. You must establish the market value of your property. (See, Information to Support Your Full (Market) Value Claims, below.
2. **Incorrect Partial Exemption.** If your property was denied all or a portion of a partial exemption, you may also claim an excessive assessment, by completing this section of the

Petition. If you file an application for the partial exemption with the Assessor, submit a copy of the application with your complaint.

Note: You may claim that the assessment is both unequal and excessive.

E. Information to Support the Full (Market) Value Claimed

To establish the market value of your property, the following information is useful and should be set forth in that section of the Petition.

1. Purchase price of your property, if recent.
2. Offering price of your property, if recently offered for sale.
3. Professional appraisal of your property.
4. Cost of construction or improvement, if recent.
5. Amount for which your property is insured.
6. Purchase price of comparable properties recently sold.

Part III – List of Taxing Districts

You must list each tax district which “uses” the assessment. This will include the county, city or town, school district, and any special districts whose charges are levied on the assessed value as determined by the assessor of your assessing unit.

Part IV – Designation of Representative

Complete this section if you have chosen someone else to represent you in this proceeding.

Part V – Eligibility and Certification

You or your representative must sign this certification.

Penalty for False Statements

A person making willful false statements on a Petition is guilty of a crime punishable by law.

**PETITION
SMALL CLAIMS ASSESSMENT REVIEW
IN COUNTIES OUTSIDE NEW YORK CITY**
(one petition per parcel)

Part I GENERAL INFORMATION	
SUPREME COURT, COUNTY OF _____	
1.	Filing # _____ Calendar # _____
2.	Assessing Unit _____
3.	Date of final completion and filing of assessment roll _____
(a)	Total _____
(b)	Exempt amount _____
(c)	Taxable assessed value (3a-3b) _____
4.	Date of filing (or mailing) petition _____
5.	Name of owner or owners of property: Post Office Address: Telephone #:
6.	If applicable, name and address of representative of owner, if representative is filing application: (owner must complete Designation of Representative section.) Telephone #:
7.	Description of property as it appears on the assessment roll. Tax Map # _____ Section _____ Block _____ Lot _____
8.	Location of property (street, road, highway number, and city, town or village.

**PART II
GROUNDS FOR PETITION**

A. Assessment requested on the complaint form filed with the Board of Assessment Review

1. Total assessment _____
 2. Exempt amount, if any _____
 3. Taxable assessment _____
-

B. CALCULATION OF EQUALIZED VALUE AND MAXIMUM REDUCTION IN ASSESSMENT

1. Property is NOT in a special assessing unit.
ASSESSSED VALUE ÷ EQUALIZATION RATE = EQUALIZED VALUE

 2. Property IS in a special assessing unit.
ASSESSSED VALUE ÷ CLASS ONE RATIO = EQUALIZED VALUE

 3. If the EQUALIZED VALUE exceeds \$450,000, enter the ASSESSED VALUE here: _____
Multiply the ASSESSED VALUE by: _____ x .25
Enter the result here:
The result is the maximum total assessment request reduction allowable.
-

- C. UNEQUAL ASSESSMENT: The total assessment is unequal because the property is assessed at a higher percentage of full (market) value than (check one).
 (a) the average of all other property on the assessment roll, or
 (b) the average of residential property on the assessment roll.

Full (market) value of property: \$ _____

Based on one or more of the following, petitioner believes this property should be assessed at _____% of full (market) value:

1. The latest State equalization rate for the assessing unit in which the property is located (enter latest equalization rate: _____ %).
2. The latest residential assessment ratio for the assessing unit in which the property is located (enter residential assessment ratio: _____ %).
3. A sample of market values of recent sales prices and assessments of comparable residential properties on which petitioner relies for objection (list parcels on a separate sheet and attach).
4. Statements of the assessor or other local official that property has been placed on the roll at _____%.

Petitioner believes the total assessment should be reduced to \$ _____. This amount may not be less than the total assessment amount indicated in Section A (1), or Section B (3), whichever is greater.

D. EXCESSIVE ASSESSMENT:

1. The total assessed value exceeds the full (market) value of the property.
Total assessed value of property: \$ _____
Complainant believes the total assessment should be reduced to a full value of \$ _____.
Attach list of parcels upon which complainant relies for objection, if applicable.
This amount may not be less than the amount indicated in Section A (1), or Section B (3).
2. The taxable assessed value is excessive because of the denial of all or a portion of a partial exemption. Specify exemption: \$ _____ (e.g., aged, clergy, veterans, etc).
Amount of exemption claimed: \$ _____. Amount granted, if any: \$ _____
This amount may not be greater than the amount indicated in A (2).
If application for exemption was filed, attach a copy of application to this petition.

E. INFORMATION TO SUPPORT THE FULL (MARKET) VALUE CLAIMED

1. Purchase price of property \$ _____
Date of purchase _____
Relationship, if any, between seller and purchaser _____

2. If property has been recently offered for sale:
When and for how long: _____
How offered: _____
Asking price: \$ _____

3. If property has been recently appraised:
When: _____ By Whom: _____
Purpose of appraisal: _____
Appraised value: \$ _____

4. If buildings have been recently remodeled, constructed, or additional improvements made, state:
Year remodeled, constructed, or additions made: _____
Date commenced: _____ Date completed: _____
Cost: \$ _____

5. Amount for which your property is insured: \$ _____
Name of insurance company and policy number: _____

6. Purchase price of comparable property(ies) recently sold: \$ _____

PART III
LISTING OF TAXING DISTRICTS

Names of Taxing Districts

1. COUNTY:
2. TOWN:
3. VILLAGE:
4. SCHOOL DISTRICT

PART IV
DESIGNATION OF REPRESENTATIVE OF FILE PETITION

I, _____ as petitioner (or officer thereof) hereby designate _____
_____ to act as my representative in any and all proceedings before the Small Claims Assessment Review of
the Supreme Court in _____ County for the purpose of reviewing the assessment of my real property as
it appears on the _____ year assessment roll of _____
_____ (assessing unit).

Signature of Owner
(Or officer thereof)

Date

PART V
ELIGIBILITY AND CERTIFICATION

I certify that:

- (a) The owner has previously filed a complaint required for administrative review of assessments.
- (b) The property is improved by a one, two or three family, owner-occupied residential structure used exclusively for residential purposes, and is not a condominium; except a condominium designated as Class 1 in Nassau County or as "homestead" Class in an approved assessing unit.
- (c) The requested assessment is not lower than the assessment requested on the complaint filed with the assessor or the Board of Assessment Review.
- (d) If the equalized value of the property exceeds \$450,000, the requested assessment reduction does not exceed 25 percent of the assessed value.
- (e) I have mailed, by certified mail, return receipt requested, or, delivered in person, within ten days after the day of filing this petition with the County Clerk, one (1) copy of this petition to the clerk of the assessing unit, or if there be no such clerk, then to the officer who performs the customary duties of that official.
- (f) I have mailed by regular mail within 10 (ten) days after the filing of the Petition with the County Clerk one (1) copy of the Petition to:
 - (a) The clerk of the school district(s)* within which the real property is located, or if there be no clerk or the name and address cannot be obtained, then to a trustee, and
 - (b) The treasurer of the county in which the property is located.
 - (c) The assessor, or, the chairman of the board of assessors.

I certify that all statements made on this application are true and correct to the best of my knowledge and belief, and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the Penal law relevant to the making and filing of false instruments.

Signature of owner or representative

(*NOTE: You are not required to file with the Buffalo City School District, the Rochester City School District, the Syracuse City School District or the Yonkers City School District.)