BERGEN COUNTY BOARD OF TAXATION

TAX APPEAL FILING PACKET

A COMPREHENSIVE GUIDE TO UNDERSTANDING THE PROPERTY TAX APPEAL PROCESS

This information was developed to assist property owners in preparing for assessment appeal hearings. The instructions and worksheets are intended to be an aid to property owners, but should not be considered as all-inclusive. The general information provided is derived from New Jersey laws governing property assessment appeals :N.J.S.A. 54:3 et seq. and N.J.A.C. 18:23A et seq. These instructions and worksheets are not intended to provide legal advice; property owners should rely on professional help if necessary.

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****PLEASE READ ENTIRE PACKET CAREFULLY****

RESPONSIBILITY OF THE PETITIONER

BURDEN OF PROOF

The burden of proof is on the petitioner in all tax appeal hearings.
A presumption of correctness attaches to the assessment placed on the property.
Similarly, in all types of appeals, the burden is on the petitioner to prove all the elements required for the granting of deductions, exemptions and farmland classification. In the event that the petitioner fails to present any relevant evidence, the county board may dismiss the petition for lack of prosecution. If the petitioner presents some evidence, but not enough to overcome the presumption of correctness, the county board should enter a judgment upholding the assessment.

The petitioner, as owner of the property may testify to the value of the property. The petitioner may introduce evidence of comparable sales to establish the fair market value of the subject property. It is the petitioner's responsibility to demonstrate that the properties cited as "comparables" are, in fact, like the property under appeal and that the sales are fair market values sales.

WHAT TO EXPECT AT A PROPERTY ASSESSMENT APPEAL HEARING

NOTIFICATION

To comply with the 10-day notification requirement, hearing notices will be mailed to all parties involved at least 10 days prior to the scheduled hearing date. The hearing notice will inform you of the location, date, and time of your hearing.

Location: All Bergen County Tax Board hearings are held at the Bergen County Administration Building, 1 Bergen County Plaza, Hackensack, NJ.

Date: unless the volume of appeals requires additional time, hearings will be scheduled during the months of May, June and July, Monday through Friday.

Time: All appeals are scheduled for 9:00am at which time a roll call will be taken.

PRIOR TO HEARING

Where submission of comparable sales evidence with the filing of the appeal application provides the Assessor with a greater opportunity to determine if a settlement is warranted, the Tax Board requires that evidence in support of the appeal must be submitted no later than seven (7) calendar days prior to the hearing if not included with the petition of appeal.

WHO IS PRESENT AT THE HEARING

The following individuals are present at the hearing: Hearing Commissioner/ Commissioners; Commissioner's Clerk; Municipal Tax Assessor; Municipal Attorney; Revaluation Representative; or other experts. Petitioner's; Petitioner's Attorney; other witnesses.

The hearings are also open to the General Public.

AT THE HEARING

When your name is called you will be asked to come forward where you will be sworn-in prior to providing testimony.

Where the Commissioners have your appeal and evidence, you will then be asked "is there anything that you would like to add to the previously filed evidence" at which time you can summarize your position, based on the evidence exchanged at least 7 calendar days prior to the hearing.

Next, the municipality will then summarize its evidence, following which you will have the opportunity to cross-examine their evidence.

Thereafter, the Tax Board Commissioner may request additional information or clarification of facts presented. This will complete the hearing and a judgment with the Board's decision on the matter will be forthcoming.

IMPORTANT HEARING ROOM RULES

To ensure the receipt of testimony, during the hearings, all questions and answers must be directed to the Tax Board Commissioner and the audience is asked to remain courteous and quiet while all testimony is being delivered. **ALL CELLPHONES/ELECTRONIC DEVICES SHOULD BE TURNED OFF OR SILENCED.**

AWOP – AFFIRMED WITHOUT PREDJUDICE

All AWOP requests must have prior approval of the Tax Assessor.

ADJOURNMENTS

All appeals shall be heard on the Date and Time first designated.

NO ADJOURNMENTS will be granted except for good cause shown, the determination of which shall rest within the discretion of the Board.

All adjournment requests must be in writing to this Board with a copy to the Municipal Assessor and Municipal Clerk.

If an adjournment is granted, unless specific written authorization is given by the Tax Administrator, delivery of ALL evidence including comparable sales must be submitted to the Board and Tax Assessor at least seven (7) calendar days prior to the **ORIGINAL** hearing date assigned.
Evidence received after that deadline will not be considered.

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IMPORTANT REMINDERS FOR TAX APPEAL HEARINGS

1. The burden of proof is on the taxpayer. The valuation for an appeal is October 1st, prior to the appeal year.
   EXAMPLE: An appeal of a 2011 assessment has a valuation date of October 1, 2010.

2. The sale of the subject may not be conclusive proof of value. You should also have other evidence, such as comparable sales.

3. **ANY** evidence of value must be submitted at least **7** calendar days prior to the hearing date and to **ALL** opposing parties (1 copy) and the County Tax Board (1 copy).

4. If an appraisal is to be used, the Appraiser must be present to testify.

5. Sales used as comparables must have occurred on or before October 1st of the pre-tax year. Properties that have sold subsequently may be used to support value but not as direct evidence.

6. You **CANNOT** appeal the **TAXES** on your property since the taxes are the result of the local budget process, nor can other **ASSESSMENTS** be compared to yours.

7. Check with your Assessor to make sure your property record card is accurate. In measuring the square footage of your property, remember to use only exterior measurements.

8. If you are appealing the value of an **ADDED ASSESSMENT**, you will be required, at the time of the hearing, to present testimony from which the Board can determine the market value of your property as it stood on October 1st of the pre-tax year and the market value it would have had if the new improvements were completed at the time. The Added Assessment should reflect the difference between the two values, prorated for the number of full months remaining in the tax year after completion.

9. In the event the petitioner is a business entity other than a sole proprietor, the appeal must be prosecuted by an Attorney-At-Law admitted to practice in the State of New Jersey.

10. If a Stipulation of Settlement is signed, returned and received by the Assessor, it is **not** necessary to attend the hearing.

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County Executive

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Tax Administrator

WHAT IS A LEGITIMATE COMPARABLE SALE?

The comparable sale and the subject should be located as close as possible to each other. The sale should have occurred before October 1st of the pre-tax year. All information about the sale should be verified by deeds, brokers, attorneys, buyers, sellers and other sources. The transactions should be at arm's length with both the buyer and seller motivated. Both parties should be well informed and acting in their own best interest, but not under duress. The sale should have been exposed to the real estate market for a reasonable length of time, with this real estate market determining its value. Exposure to the market process determines if a dwelling is overbuilt for a particular area or has features that add little or no value.

A construction cost factor contract (contract to build) is relevant to the cost approach, but is not a market sale even when combined with the selling price of the lot. The cost to build a home may include functional obsolescence, which may not contribute value in the marketplace. Examples of such obsolescence would be the cost of features such as gold plated bathroom fixtures, steam showers, Italian marble, tile pools, and walnut paneling, etc. The cost of these features are very expensive, but they may not contribute value to the subject property.

Unless all forms of obsolescence are properly analyzed, the cost approach value may be greater than the sales comparison value, if the subject house is overbuilt for the neighborhood.

The cost to build is relevant to the cost approach, and should not be utilized in the sales comparison approach. These are two separate approaches to value and have different determining factors.

Courts may or may not recognize a sale to an entity that has the power of eminent domain. These sales may be considered to have been made under duress and are not arm's length transactions.

*Comparable sales should be located within the same city or town in which the subject property is located.

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THIS COMPARABLE SALES ANALYSIS FORM IS AN ORGINIZER TO HELP YOU DETERMINE IF THE EQUALIZED ASSESSED VALUE OF YOUR PROPERTY EXCEEDS MARKET VALUE OF YOUR PROPERTY AND TO AID YOU IN PRESENTING YOUR ARGUMENT.

IT IS NOT A MANDATORY FORM

Form A-1 Comp. Sale (12-14)

COMPARABLE SALES ANALYSIS FORM

NAME: MUNICIPALITY:

	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:

SALE #1:

SALE #2:

SALE #3:

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 "2nd 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.

SR-1A'S (SALES RECORDS)

Sale Records (SR-1A's) are available at your local Tax Assessor's office and the Bergen County Board of Taxation office.

Sales Records (SR-1A's) may be marked with a non-usable code; a copy of the non-usable code list is available at the Bergen County Board of Taxation.

Transfers falling within the foregoing category numbers (non-usable codes) 1, 2, 3, 9, 10, 13, 15, 17, 26, 28 and 31 should generally be excluded but may be used if after full investigation it clearly appears that the transaction was a sale between a willing buyer, not compelled to buy, and a willing seller, not compelled to sell, with all conditions requisite to a fair sale with the buyer and seller acting knowledgeably and for their own self-interests and that the transaction meets all other requisites of a usable sale.

NEW JERSEY STATUTES ANNOTATED TITLE 18 CHAPTER 12

SUBCHAPTER 1 CATEGORIES OF NONUSABLE DEED TRANSACTIONS

18:12-1.1(a) The deed transactions of the following categories are not usable in determining assessment-sales ratios pursuant to N.J.S.A. 54:1-35.1 et seq.

1. Sales between members of the immediate family;
2. Sales in which "love and affection" are stated to be part of the consideration;
3. Sales between a corporation and its stockholders, its subsidiaries, its affiliates or other corporation whose stack is in the same ownership;
4. Transfers of convenience; for example: for the sole purpose of correcting defects in title, a transfer by a husband either through a third party or directly to himself and his wife for the purpose of creating a tenancy by the entirety, etc.;
5. Transfers deemed not to have taken place within the sampling period. Sampling period defined as the period from July 1 to June 30, inclusive, preceding the date of promulgation, except as hereinafter stated. The recording date of the deed within the period is the determining date since it is the date of the official record. Where the date of deed or the date of formal sales agreement occurred prior to January 1, next preceding the commencement date of the sampling period, the sale shall be nonusable;
6. Sales of property conveying only a portion of the assessed unit, usually referred to as apportionments, split-offs; for example, a parcel sold out of a larger tract where the assessment is for the larger tract;
7. Sales of property substantially improved subsequent to the assessment and prior to the sale thereof;
8. Sales of an undivided interest in real property;
9. Sales of properties that are subject to an outstanding Municipal Tax Sales Certificate, a lien for more than one year in unpaid taxes on real property pursuant to N.J.S.A. 54:5-6, or other governmental lien;
10. Sales by guardians, trustees, executors and administrators;
11. Judicial sales such as partition sales;

12. Sheriff's sales;
13. Sales in proceedings in bankruptcy, receivership or assignment for the benefit of creditors and dissolution or liquidation sales;
14. Sales of doubtful title including, but not limited to, quit claim deeds;
15. Sales to or from the United States of America, the State of New Jersey, or any political subdivision of the State of New Jersey, including Boards of Education and public authorities;
16. Sales of property assessed in more than one taxing district;
17. Sales to or from any charitable, religious, or benevolent organization;
18. Sales to banks, insurance companies, savings and loan associations, mortgage companies when the transfer is made in lieu of foreclosure where the foreclosing entity is a bank or other financial institution;
19. Sales of property whose assessed value has been substantially affected by demolition, fire, documented environmental contamination, or other physical damage to the property subsequent to assessment and prior to the sale thereof;
20. Acquisitions, resale or transfer by railroads, pipeline companies or other public utility corporations for right-of-way purposes;
21. Sales of low/moderate income housing as established by the Council on Affordable Housing;
22. Transfers of property in exchange for other real estate, stocks, bonds or other personal property;
23. Sales of commercial or industrial real property which include machinery, fixtures, equipment, inventories, or goodwill when the values of such are indeterminable;
24. Sales of property, the value of which has been materially influenced by zoning changes, or planning board approvals, variances or rent control subsequent to the assessment and prior to the sale;
25. Transactions in which the full consideration as defined in the "Real Transfer Act" is less than $100.00;

26. Sales which for some reason other than specified in the enumerated categories are not deemed to be a transaction between a willing buyer, not compelled to buy, and a willing seller, not compelled to sell;
27. Sales occurring within the sampling period but prior to a change in the assessment practice resulting from the completion of a recognized revaluation or reassessment program, i.e. sales recorded during the period July 1 to December 1 next preceding the tax year in which the result of such revaluation or reassessment program is placed on the tax roll;
28. Sales of properties which are subject to a leaseback arrangement;
29. Sales of properties subsequent to the year of appeal where the assessed value is set by court order, consent judgment, or application of the "Freeze Act";
30. Sale in which several parcels are conveyed as a package deal with an arbitrary allocation of the sale price for each parcel;
31. First sale after foreclosure by the Federal or State charted financial institution;
32. Sale of a property in which an entire building or taxable structure is omitted from the assessment.
33. Sales of qualified farmland or currently exempt property.

(b) Transfers falling within the foregoing category numbers

1, 2, 3, 9, 10, 13, 15, 17, 26, 28 and 31 (under section (a) above), should generally be excluded but may be used if after full investigation it clearly appears that the transaction was a sale between a willing buyer, not compelled to buy, and a willing seller, not compelled to sell, with all conditions requisite to a fair sale with the buyer and seller acting knowledgeably and for their own self-interests, and that the transaction meets all other requisites of a usable sale.

NOTICE TO ALL TAXPAYERS

If you intend to use an expert appraisal witness for your tax appeal, please take notice that, effective January 5, 1997, no person other than a State Licensed or a State Certified Appraiser "shall perform or offer to perform an appraisal assignment in regard to real estate located in this State." L. 1995, c. 349; N.J.S.A. 45:14F-21. Accordingly, effective immediately, an appraiser who prepares an appraisal or testifies on behalf of a taxpayer in connection with a tax appeal before the County Board of Taxation will be in violation of State statute unless the appraiser holds a State appraisal license or State appraisal certification.

There are two exceptions to the foregoing requirement. First, the appraiser need not hold a State appraisal license or State appraisal certificate if the value of the property being appraised is $150,000 or less. Second, a person "who assists in the preparation of an appraisal under the direct supervision of a licensed or certified appraiser" need not hold a State license or certificate. N.J.S.A. 45:14F-21

NOTICE TO PETITIONERS

If your appeal is to lower the assessed valuation on your property, you will be required at the time of your hearing to present testimony from which the Board can determine the market value of your property. The assessed value placed on your property by the tax assessor is presumed to be correct and it is your responsibility to overcome that presumption of correctness by presenting sufficient proofs of market value.

If your property is a one to four family residential dwelling, you should be prepared to present usable sales of residential properties comparable to yours and be knowledgeable of the conditions of the sales and a full description of the properties. A minimum of three usable sales should be presented.

If your property is vacant land, you should be prepared to present usable sales of vacant comparable to yours.

You cannot appeal the amount of taxes on your property.

You cannot present the assessment placed on another property as evidence of the value of your property.

You cannot separate the value of the land and improvements (building). You must consider the total value of the property.

PROPERTY ASSESSMENT APPEAL CHECKLIST

HOW TO AVOID COMMON MISTAKES

- ✓ File the appeal on or before April 1 of the current tax year, with service to the Tax Board, Municipal Assessor and the Municipal Clerk. In a taxing district where a municipal-wide revaluation or municipal-wide reassessment has been implemented the appeal filing deadline is extended to May 1.
- ✓ Use blue or black ink when completing the appeal.
- ✓ Be sure all information is legible and complete.
- ✓ When completing the petition of appeal form, enter Last Name last.
- ✓ Include filing fee with submission to Tax Board. See Instructions #4.
- ✓ Be sure to sign and date the appeal and certification.
- ✓ Include a copy of the "Notice of Disallowance" if you are appealing an item under Section III of the appeal.
- ✓ A separate appeal must be filed for each taxed parcel.
- ✓ While the sale of the property under appeal is evidential, the true market value must be supported by a minimum of three (3) and a maximum of five (5) comparable sales.
- ✓ If not submitted at the time of filing, all supporting documentation must be submitted to the Tax Board, assessor, and the municipal clerk at least seven (7) days prior to the **ORIGINAL** hearing date assigned.
- ✓ The comparable sales that you submit as evidence of true market value must support the valuation of your property as of October 1st of the year prior to the current.
- ✓ Reproduced and computer generated appeals forms will be accepted provided they contain both the front & back sides and is the same content and legal size.
- ✓ Faxed petition of Appeal forms **will not** be accepted.

BE AWARE OF COMMON MISUNDERSTANDINGS

- ✓ Taxes **cannot** be appealed, as they are a result of the budget process.
- ✓ Comparable assessments are not acceptable as evidence of value.
- ✓ The **total assessment** is under appeal, the land and improvement components cannot be individually appealed.
- ✓ There is a presumption of correctness in regard to the present assessment. The property owner appealing the assessment must, through the presentation of sufficient evidence of true market value, overcome this presumption to achieve a change in the assessment.

COUNTY ASSESSMENT APPEAL TIPS

Come prepared.

Have your evidence and papers in order. Be prepared to discuss the major points you want to make about each comparable sale as it relates to your property. There are many hearings held each day, so be concise, don't ramble, and stay focused on what is important.

Be on time

Arrive slightly before your hearing. You will be more relaxed when your name is called if you have had time to review your presentation and papers. Also, if you arrive early you will see how the hearing process works and feel more comfortable when you are called. Some petitioners will visit on a prior day to get a feel for the procedures and process. The hearings are open to the public.

Do your homework.

Find sales of properties that are have similar characteristics to your property, in your neighborhood. Be able to discuss the similarities of your comparable sales and why your comparable sales properties are a good match to your property. Simply, be able to explain why you chose these properties.

Confirm your sales.

Make sure your comparable sales are fair market sales (sales exposed to the market between a willing buyer and seller in an arm's length transaction). Sales between family members; sales with special financing; short sales; and sheriff's sales are all examples where the sale price may not reflect market value.

Don't compare assessments.

Do not reference neighbor's assessments as the basis for appealing your assessment. Your neighbor's assessment may be lower than yours for numerous reasons. It may be incorrect. Only market sales are valid evidence for comparable property analysis.

Use photographs.

Pictures truly are worth a thousand words at your hearing. Pictures of your property and your comparable sales properties will help the board members in their understanding of your case. If there are neighborhood conditions that you feel diminish your property value, take a picture.

Repeat information.

As you prepare your presentation, include a recap that emphasizes the major points upon which you want the board to focus.

COUNTY TAX APPEAL FREQUENTLY ASKED QUESTIONS

When do I file my appeal?
Appeals must be filed by April 1st, or the next following business day if April 1st is on a weekend or holiday. The appeal must be received by the close of business on the due date. An envelope postmarked on the due date which is received after the due date is unacceptable.

I am over 65 (or a veteran, disabled); do I have to pay a filing fee?
Yes, you must pay a filing fee, there are no exceptions. Payment is in cash or checks payable to the County Tax Administrator.

Do I need to be represented by an attorney?
No, you may appeal and appear on your own behalf. But, you may choose to hire an attorney if you wish. If the petitioner is a business entity, other than a sole proprietor, its appeal must be prosecuted by an Attorney-at-Law admitted to practice in the State of New Jersey.

Should I hire an appraiser?
It is not necessary, but you may do so if you wish. If you do hire an appraiser, special rules apply. The appraiser must appear with you to give expert testimony on the appraisal. The appraiser normally will charge you an additional fee for appearing with you at the hearing. Copies of the appraisal report should be delivered at least 7 days prior to your hearing date to the Tax Board, and one copy each to the Assessor and town Clerk.

What are considered valid comparable sales to use as evidence in my appeal?
Comparable sales should have occurred prior to the October 1st of the year preceding your appeal. If you are filing an appeal in 2009, the comparable sales should be prior to October 1, 2008. Comparable sales should be of properties similar to your property in your neighborhood. The more similar the characteristics of comparable properties to your property, the better they will aid you in your appeal. While **not a complete list**, such items as size (both lot and building), number of baths, garages, finished attic or basement, number of stories, pool, and age of building are a few value contributing amenities you should consider. You should be prepared to discuss the similarities between your property and the comparables you have selected. Pictures of your property and your comparable sales are helpful. The sales should represent "fair market value", which is defined, as the highest price that a property will bring, if exposed to a competitive and open market under all conditions required for a fair sale. The buyer and seller must be knowledgeable, acting prudently and under no duress. [1] In this definition it is understood that the following must exist:

- Buyers and seller are typically motivated.
- Both parties are well informed and acting in their own best interest.
- The property is exposed in an open market for a reasonable time.
- Payment is made in cash or its equivalent.
- Financing, if any, is on terms generally available in the community at the time of sale and is typical for the location and type of property.
- The price represents a normal consideration for the property sold unaffected by special financing amounts and/or terms, services, fees, costs, or credits incurred in the transaction. [2]

How many comparable sales should I use?
You may use up to 5 sales. However, quality is better than quantity. Two or three highly comparable sales may be sufficient.

When must my comparable sales evidence be submitted?
It is best if you can list the comparable sales information on your appeal application and attach evidence to the appeal when it is filed. However, at the latest, you must supply your evidence to the Tax Board, your local assessor and town clerk, at least seven (7) days prior to your hearing. This allows the Tax Board Commissioners and your Assessor time to become familiar with your evidence. If you wait until your hearing to supply your evidence it most likely will not be admitted, and you will not have any evidence to support an assessment reduction.

Where can I get physical descriptions of my property and the comparable properties I will use as evidence?
You may request, in writing, physical descriptions of up to five comparable properties from your Assessor. The request should allow sufficient time prior to your hearing for the Assessor and for you to review the information. A realtor may be able to provide sales information to you. Property sales information is available for you to research at your town Assessor's office or the Tax Board office.

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1. American Institute of Real Estate Appraisers, The Appraisal of Real Estate, 8th Edition, p. 33.
2. The Society of Real Estate Appraisers & The Institute of Real Estate Appraisers, Real Estate Appraisal Terminology, Ballinger Publishing Company, Cambridge Ma. p. 137

Why does the appeal form have multi-colored copies?
The appeal consists of four (4) copies, each labeled at the bottom of the page: the white copy (top) goes to the Tax Board, with your filing fee; the blue copy (second) you keep; the yellow copy (third) goes to the Clerk in your town; and the pink copy (fourth and last) goes to your town Assessor. It is your responsibility to deliver the copies to your town Assessor and Clerk.

What telephone number do I put on the appeal?
Supply the number where you most likely can be reached. If you will be outside the area during April through June, please supply a number where you may be reached during that period.

When will I receive my hearing notice?
You will receive your notice of hearing at least 10 days prior to your hearing. If you have not received your notice and are concerned, phone the Tax Board. It is your responsibility to appear for your hearing.

Do I have to appear at the hearing?
Yes, you must appear, unless you are represented by an attorney, who then may appear on your behalf. If you are represented by an attorney you still may attend your hearing. Failure to appear will cause dismissal of your complaint.

Where are the hearings held?
The hearings are held at the County Administration Building located at One Bergen County Plaza in Hackensack, NJ. The first hearings start at 9:00 AM and locations are posted in the board office on the third floor. All hearings are open to the public.

Once I have filed my appeal, is there anyway I can settle my case prior to my hearing?
Yes, it is possible. If you contact your Assessor after you filed your appeal you may be able to reach an agreement on a reduced assessment. If you do reach agreement, the Assessor will prepare a Stipulated Settlement form. This form is signed by you and the assessor, who then forwards it to the Tax Board for final review. If the Tax Board agrees to the settlement, it will issue you a Memorandum of Judgment and you will not have to appear for your hearing.

Do I have to pay my taxes when I am appealing my assessment?
Yes, pay your tax bills as you normally would. You must pay the first quarter of taxes due by February 1st and all other municipal fees and outstanding charges. If you are successful in reducing your assessment you will receive an adjustment on a tax bill by the fourth quarter.

Do I have any options if I am not satisfied with the result of my appeal hearing?
Yes, you may appeal to the NJ Tax Court within 45 days from the date of the board's Memorandum of Judgment. The Tax Court procedures for appeal are available online or you may call the phone number listed on the back of the Memorandum of Judgment. You may appeal again in the following year. You can appeal your assessment every year.

If I meet with the revaluation company and they agree to a reduction, am I done?
The Notice of Assessment card you receive in the mail is the official assessment determined by your assessor and takes precedence over any other notice you may have received. These are generally mailed on or before February 1st. If the assessment figures are what you expected and you are satisfied, then no further action is required. If the assessment figures are not what you expected, then you must file an appeal in order to pursue a reduction.

What should I do if I decide not to appeal after I have filed an appeal, or find that I cannot attend my hearing?
You may withdraw your appeal at anytime prior to your hearing by notifying the Tax Board in writing. If you do withdraw, your fee is not refunded.

Form A-1 (12-14)

BERGEN 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 days from the date the bulk mailing of Notification of Assessment is completed in the taxing district, whichever is later. An app received after the close of business hours on April 1, or 45 days from the date the bulk mailing of Notification of Assessment completed in the taxing district, whichever is later, is untimely filed and will result in dismissal of the appeal. If the subject prope lies within a taxing district where a municipal-wide revaluation or municipal-wide reassessment has been implemented, your app 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 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.

2. SEPARATE APPEALS

Separate appeals must be filed for each taxed parcel unless the county tax board administrator grants prior approval to consolida 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 municip 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 appe 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

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.

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

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.

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 $1,000,000, 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.