

ATLANTIC COUNTY BOARD OF TAXATION
INSTRUCTIONS FOR FILING PETITION OF APPEAL

1. FILING DATE

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

2. SEPARATE APPEALS

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

3. FILING OF PETITION

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

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

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

***Property Classifications:** 1 – Vacant; 2 – Residential; 3A – Farm (Regular); 3B – Farm (Qualified); 4A – Commercial; 4B – Industrial; 4C – Apartment (five families or more).

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

- 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;
- senior citizen or disabled person or surviving spouse/ surviving civil union partner of a senior citizen or disabled person, deduction;
- disabled veteran or surviving spouse/ surviving civil union partner/ surviving domestic partner of a disabled veteran; or
- Regional Efficiency Aid Program (REAP) property tax credit.

Check should be made payable to: County Tax Administrator.

5. PAYMENT OF REAL ESTATE TAXES ON APPEAL

N.J.S.A. 54:3-27 provides that a taxpayer who shall file an appeal from an assessment shall 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 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 business entity, such as a corporation, partnership, LLC, 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 (f) 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. Evidence to support a tax assessment revision should include, but not be limited by, the following:

(a) 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.**

(b) 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.

(c) 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.

(d) 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.

10. SIGNATURE AND CERTIFICATION OF SERVICE

The signature of the petitioner or petitioner's attorney is required on the petition. The Certification of Service of the copies to the municipal assessor and clerk (or to the taxpayer in the case of a municipal appeal) must be filled out and signed by the person making service.

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. PROPERTY CLASSIFICATION

If the appeal involves only the classification of property, for each parcel of property sought to be reclassified the fee is \$25.00. Property classes are defined in **N.J.A.C. 18:12-2-2 et seq.** and include Classes 1 (Vacant Land); 2 (Residential); 3A (Farm property Regular); 3B (Farm property Qualified); 4A (Commercial); 4B (Industrial); 4C (Apartments); 5A (Railroad Class I); 5B (Railroad Class II); 6A (Personal Property Telephone); 6B (Machinery, Apparatus or Equipment of Petroleum Refineries); 15A (Public School Property); 15B (Other School Property); 15C (Public Property); 15D (Church and Charitable Property); 15E (Cemeteries and Graveyards); 15F (Other Exempt).

13. 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 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.**

Introduction

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

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

What is the basis for my assessment?

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

1. True Market Value Standard

After a revaluation, all assessments in the municipality must be 100% of true market value as of October 1 of the previous year.

October 1 pre-tax year is the annual "assessment date." All evidence for a tax appeal should precede the October 1st assessment date, especially property sales used for comparison.

2. "Common Level Range" Standard

To explain the common level range you must consider what happens after a revaluation in your town is completed. External factors such as inflation, recession, appreciation, and depreciation cause values to increase or decrease at varying rates. Other factors such as physical deterioration may change property values. If assessments are not adjusted annually, a deviation from 100% of true market value occurs.

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

How do I know if my assessment is fair?

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

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

Example

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

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

Example

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

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

Example

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

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

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

Tax appeals must be filed annually on or before April 1st or within 45 days of the bulk mailing of the Assessment Notices; or May 1st where a municipal-wide revaluation or municipal-wide reassessment has been implemented. Once filed, a hearing before the County Tax Board is scheduled. The Tax Board consists of members (commissioners) appointed by the Governor. Tax Board Commissioners primarily hear disputes involving assessments. Hearings are usually scheduled during the day, but some Boards schedule differently. Individual taxpayers may represent themselves. Business entities other than sole proprietorships must be represented by an attorney. The taxing district is the opposing party represented by the municipal attorney. The assessor or an appraiser may appear at the hearing as an expert witness.

Who is an expert witness?

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

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

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

Is a hearing always necessary?

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

Will the tax appeal hearing be private?

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

When are tax appeal hearings held?

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

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

As the appellant, the burden is on you to prove that your assessment is in error, unreasonable, excessive, or discriminatory. You must suggest a more appropriate value by showing the Tax Board the market value of the property as of October 1 of the pretax year. To proceed with an appeal, all taxes and municipal charges up to and including the first quarter of the tax year must be paid.

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

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

use (e.g. duplex in a duplex zone), and similar age, construction and style of structure.



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

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

Are there special rules for commercial properties?

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

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

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

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

May I appeal the Tax Board judgment?

If you are dissatisfied with the judgment of the Tax Board, you have 45 days from the date your judgment was mailed to file a further appeal with the Tax Court of New Jersey. If your property is assessed for more than \$1,000,000 you may file directly with the State

Tax Court by April 1st annually; 45 days from date of bulk mailing of Assessment Notices, whichever is later; May 1st if in a revalued district.

Summary:

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

Deadlines to Remember:

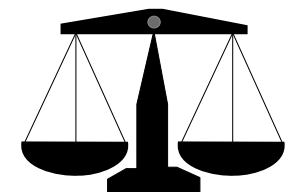
1. **Tax appeals are on assessments only, not taxes, and must be filed by April 1 of tax year; or 45 days from date of bulk mailing of Assessment Notices, whichever is later; May 1st of tax year if revalued or reassessed; or (December 1st for ADDED and OMITTED ASSESSMENTS).**
2. All evidence must be submitted to the Assessor and Tax Board at least 7 days prior to the hearing.

Filing Fees:

Assessed valuation less than \$150,000:	\$ 5
\$150,000 but less than \$500,000:	\$ 25
\$500,000 but less than \$1,000,000:	\$100
\$1,000,000 or more:	\$150
Property Classification:	\$ 25

No fee is required to contest denial of Deduction for Senior Citizens/Disabled Persons or their Surviving Spouses; Veterans, Surviving Spouses of Veterans or Servicepersons; an Exemption for Disabled Veterans or Surviving Spouses of such Veterans; or REAP (Regional Efficiency Aid Program) credits/benefits.

A GUIDE TO TAX APPEAL HEARINGS



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Property Class _____

Filed _____

Check/Cash _____

Checked _____

Notified _____

Heard _____

NAME OF PETITIONER _____
(Please type or print)

MAILING ADDRESS _____ Daytime Telephone No. : (____) _____

_____ E-mail Address _____

BLOCK _____ LOT _____ QUALIFIER _____ Lot Size _____

Municipality _____ Property Location _____

Name, telephone no., fax no. and address of person or attorney to be notified of hearing and judgment if different than above:

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

TAX YEAR _____

CURRENT ASSESSMENT

REQUESTED ASSESSMENT

Land \$ _____

Land \$ _____

Improvement \$ _____

Improvement \$ _____

Abatement \$ _____

Abatement \$ _____

Total \$ _____

Total \$ _____

Purchase Price \$ _____

Date of Purchase _____

Tax Court Pending

YES NO

OTHER REASON FOR APPEAL: _____

SECTION II COMPARABLE SALES (See Instruction #9B)

Block/Lot/Qualifier	Property Location	Sale Price	Sale/Deed Date
1. _____	_____	\$ _____	_____
2. _____	_____	\$ _____	_____
3. _____	_____	\$ _____	_____
4. _____	_____	\$ _____	_____
5. _____	_____	\$ _____	_____

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

- 1. Veteran's Property Tax Deduction
- 2. Veteran's/Serviceperson's Surviving Spouse or
Veteran's/Serviceperson's Surviving Civil Union Partner or
Veteran's/Serviceperson's Surviving Domestic Partner Deduction
- 3. Senior Citizen /Disabled Person Property Tax Deduction
- 4. Surviving Spouse or
Surviving Civil Union Partner
of Senior Citizen/Disabled Person
- 5. 100% Disabled Veteran Exemption or
Surviving Spouse or
Civil Union Partner or
Domestic Partner Exemption
- 6. Farmland Assessment Classification
- 7. Abatement or Exemption -Religious, Charitable, etc.
- 8. REAP Property Tax Credit
(Specify) _____

MUNICIPALITY'S REASON FOR DENIAL: _____
(Attach copy of Denial Notice)

WHEREFORE, Petitioner seeks judgment reducing/increasing (circle one) the said assessment(s) to the correct assessable value of the said property and/or granting the requested deduction, credit, Farmland Assessment classification, exemption or abatement.

Date

Petitioner or Attorney for Petitioner

CERTIFICATION OF SERVICE

On _____, 20____ I, the undersigned, served upon the Assessor and the Clerk of _____
(Municipality) or upon the taxpayer, personally or by regular mail or certified mail, a copy of this appeal. I certify that the foregoing statement I have made is true. I am aware that if the foregoing statement is willfully false, I am subject to punishment.

Date

Signature