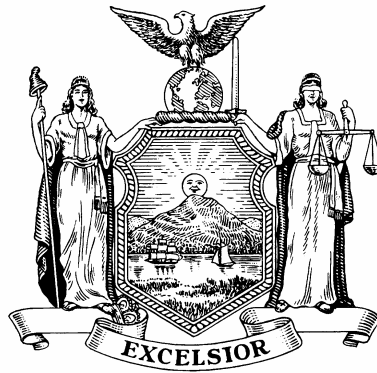


HOW TO FILE FOR A REVIEW OF YOUR ASSESSMENT

A Guide for Property Owners



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PURPOSE OF THIS PUBLICATION

This publication is designed to inform taxpayers of their right to review property assessments and to guide you through the assessment review process. It is important to note that New York City and Nassau County have their own assessment review forms and procedures. While the general information in this publication may be of assistance to someone preparing for assessment review in New York City or Nassau County, residents of those localities will need to contact the appropriate offices, as listed on **Pages 3 and 4** under "Obtain the Review Form RP-524."

The very first step is for you to determine whether you are being assessed consistently (at a uniform percentage of value) with other properties in your municipality.

The Real Property Tax Law requires that assessors keep assessments up-to-date each year. There are various means that assessors can use to accomplish this task, including annual reassessment (see glossary) or municipal-wide revaluation.

If the assessor has been unable to keep pace with property changes and market conditions, inequities will have crept into the assessment roll. As a result, some property owners will be paying more than their fair share in taxes (over assessed) and others are paying less (under assessed). A properly conducted reassessment will result in each property taxpayer paying his or her fair share.

You should know certain dates, procedures, and terminology in order to satisfy the assessment review requirements. Please refer to the glossary of this publication for some helpful terminology.

All property owners and lessees who are required to pay the property taxes pursuant to a written agreement are eligible for a review of their property assessment from the Board of Assessment Review (BAR). In Nassau County, assessment review is by the Assessment Review Commission. There is no fee, and there is no limit on the reduction sought.

Small Claims Assessment Review (SCAR) provides an inexpensive way for most homeowners to seek further review if they are dissatisfied with the decision from their BAR. The filing fee is \$30 and may be recovered under certain circumstances.

Your assessor should complete a fact sheet and include it in this publication. **If you do not find such a fact sheet inserted in this publication, please ask your assessor to provide the necessary information, including:**

- Telephone number and address of assessor's office;
- Dates, hours, and location for inspecting the tentative assessment roll;
- Date, time, and location for hearing formal assessment reviews;
- Last date for filing assessment review;
- The latest State equalization rate for the assessing unit (town, city, village, or county). (If assessments on the current roll have been changed substantially, such as in the case of a reassessment, the equalization rate may not be applicable);
- The latest residential assessment ratio (RAR) for the assessing unit. (If assessments on the current roll have been changed substantially, such as in the case of a revaluation or update, the RAR may be inapplicable);
- Stated uniform percentage of value that appears on the tentative assessment roll.

GENERAL GUIDELINES

There is a presumption that the assessment made by the assessor(s) is correct. The burden of proof is on the property owner.

Real Property Tax Law Section 510 requires the assessor to notify the taxpayer by mail of any increase in assessment, at least ten days before the date for hearing assessment reviews. 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. It also should note that this publication is available at the assessor's office. **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.

If you have questions about your assessment, whether it has been changed or not, you should contact your assessor for an explanation. **If you believe your property assessment is too high, it is recommended that you discuss this first with your assessor.** In situations where the assessor and the owner/representative agree about the assessment *after* the tentative 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 Review 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 Board of Assessment Review (BAR) by the filing deadline.**

If you live in a village, it is important to note that many villages are separate assessing units. If your property is in such a village, and you wish to challenge the assessments on both the village and town rolls, you must file separate petitions for both jurisdictions.

KEY DATES

These dates, though used in most cities and towns, are guidelines, and may vary within your municipality. *It is important to check with your local assessor for specific dates.* Terms, dates, and exceptions are discussed throughout this publication, as well as in the glossary.

Valuation Date:	July 1 of the prior year
Taxable Status Date:	March 1
Exemption Filing Deadline:	March 1
Tentative Roll Filed:	May 1
Grievance Day:	4 th Tuesday in May, <i>generally</i> (in cases where the assessor serves in more than one municipality, the date of Grievance Day may be changed to facilitate the presence of the assessor).
Final Roll Filed:	July 1

ASSESSMENT REVIEW PROCESS

This is a summary of important steps to consider in the assessment review process; each step is described further in this publication.

1. **Inspect the tentative assessment roll.**

May 1 in **most** towns is the date by which the *tentative assessment roll* must be filed, showing assessment information for every property for the current year. This document is public information. The assessor must place a legal notice in the locality's official newspaper or newspaper of general circulation that the final roll has been filed. In towns, notice of such filing also is posted at the entrance to the town clerk's office. The final roll will be available for review at the assessor's office or the clerk's office.

State law now requires the tentative assessment rolls to display the assessed value and estimated full value of each property and the level of assessment used in the assessing unit.

Review this document to check the tentative assessment of your property, and assessments listed for properties similar to yours. If your assessment differs from those of similar properties, you may want to consider completing and filing the review form to seek an assessment reduction.

2. **Informal review of your assessment with your assessor.**

Meeting informally with the assessor or a member of the assessor's staff may help you in deciding whether to pursue the matter with a formal review. This informal meeting is a good time to check your property's inventory on file with the assessor, and to ensure that it is correct.

You also may want to ask what the basis is for your assessment. If any properties or property sales were used as "comparables" for valuing your property, you should request a listing of them so that you can check to determine if these properties actually are similar to your property.

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 reviews. **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 roll. Please also refer to item Number 6, below.**

3. **Obtain the Review Form RP-524.**

A sample RP-524 form is included for a town that assesses property at only a fraction of full (market) value. Another sample RP-524 form is included for use in assessing units that assess property at full value, thereby having a uniform percent of 100. If your municipality has a uniform percent of less than 100, this is the sample form you should review.

A blank copy of the review form is available at the end of this publication. It is also available on our website, from your assessor's office, or your County Real Property Tax Service. New York City has its own assessment review form, which is available online at: www.nyc.gov/html/dof/pdf/01pdf/review_01.pdf or by calling 718-935-9500. Nassau County also prescribes its own complaint form. Contact the Nassau County Department of Assessment

(phone 516-571-1500) or Nassau County Assessment Review Commission (phone 516-571-2391) to obtain that form. Additional Nassau County information is available online at www.co.nassau.ny.us/assessor. Cities and villages in Nassau County that prepare their own assessment rolls use form RP-524.

4. **Determine your property's value and your desired assessment.**

Information useful in determining the property's market (full) value:

- The purchase price of the property, if recently purchased.
- The offering price of the property, if recently offered for sale.
- The recent purchase prices of properties comparable to your property.
- A professional appraisal of your property.
- Cost of construction, if recently built.
- Rental information if property is rented.
- Income/expense information if property is commercial or industrial.
- The full value listed for the property on the assessment roll.

5. **Complete Form RP-524. See Page 6 for step-by-step instructions and sample form.**

6. **File Form RP-524 prior to deadline.**

Please Note: Not all assessment offices accept electronic submission of applications; please check with your assessment office before you attempt to submit an application by electronic means.

The fourth Tuesday in May, is **Grievance Day (some exceptions are noted below)** in most towns and cities. You should keep a copy of your review form for your records and **mail or deliver** the original form to your local assessing unit so that it **arrives on or before** Grievance Day. If mailing, certified mail is best. Even if it is postmarked on or before Grievance Day, it is deemed to be late if its *arrival* is not on Grievance Day. Ideally, the form should arrive at least four business days before Grievance Day.

If you file less than four business days before Grievance Day, the BAR must grant an assessor's request for adjournment of your hearing to give the assessor time to prepare a response to your review.

A non-resident owner can request a date after Grievance Day for the review hearing. The non-resident owner must make this request to the BAR or to the assessor on or before Grievance Day. It is recommended that this request be sent by certified mail, return receipt requested. The BAR must set a date no later than 21 days after Grievance Day for the hearing of this review.

- In Suffolk County towns, Grievance Day is the third Tuesday in May*.
- In Erie County towns, Grievance Day is the first Tuesday in June*.
- In Westchester County towns, Grievance Day is the third Tuesday in June*.
- In Nassau County, the last day to file an assessment review with the County is March 1.
***The date varies in cities and assessing villages, so please check the local assessor's office for the correct date.**

7. **Appear before the BAR.**

The BAR consists of three to five residents who have at least a general knowledge of property

values in the community. Your local government (town board, city council, etc.) appoints the BAR members. The board selects one of its members as chair to conduct the proceedings, but all members may participate. Minutes of the hearing(s) must be taken and are to be filed at the office of the municipal clerk so that they will be available later for review.

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. The assessor(s) also may be asked to give evidence. The BAR's sole purpose is to arrive at fair and impartial decisions regarding the assessment on your property. The BAR hearings evaluate assessment reviews and are open to the public under the State's Open Meetings Law.

Neither the assessor nor you should be present when the BAR makes its decisions on the reviews before it. The BAR makes the decisions privately.

As a complainant who has filed a formal review with the board, you have a right to present your case in an effort to get your tentative assessment changed. Your personal appearance (or your representative's appearance) before the BAR is usually not necessary, but it may help to state the facts of your case and to answer any material questions the BAR members may have. You can also hear what comments, if any, the assessor makes about the assessment on your property.

The BAR may require you or your representative to appear personally, or to submit additional evidence. If you or your representative willfully refuse to do so, or refuse to answer any material question asked of you, you will not be entitled to any reduction in assessment.

8. Notification of the BAR's decision.

In most cases, the BAR will not make any decision the day of the hearing. After due deliberation in private, the BAR will render a decision and notify you by mail.

The board has a statutory duty to notify the complainant of the board's final determination of the review. Such notice must contain a statement of the reasons for the board's determination. This notice is to be sent to the complainant on or before the date the board delivers to the assessor a verified statement of changes, if any, to be made to the assessment roll and determined by the board.

The board also informs the taxpayer that, if dissatisfied with the board's decision, there is an opportunity to seek Small Claims Assessment Review, if eligible, or a tax certiorari proceeding in State Supreme Court pursuant to Article 7 of the Real Property Tax Law.

The board notifies the assessor of its decision so that the appropriate changes can be made in time to meet the deadline for the filing of the final assessment roll (generally July 1, for most towns). The final roll is available for review at the assessor's office or the clerk's office.

Just as in the case of the tentative roll, the assessor must place a legal notice in the locality's official newspaper or newspaper of general circulation that the final roll has been filed. In towns, notice of such filing also is posted at the entrance to the town clerk's office. The final roll is available for review at the assessor's office or the clerk's office.

9. **Judicial review of the BAR's decision, if necessary.**

To be eligible for Small Claims Assessment Review (SCAR), you must own and live in a one, two, or three-family home and use it exclusively for residential purposes, or own vacant land that is not of sufficient size, as determined by your municipality, to contain a one, two, or three-family structure. A seasonal residence can qualify, provided that, during the period it is in use, the owner occupies it. If not SCAR, then your attorney has to file a petition with State Supreme Court pursuant to Article 7, RPTL. Either of these proceedings must be commenced within 30 days of the filing of the final assessment roll or notice.

STEP-BY-STEP THROUGH THE FORM RP-524

A complete sample form is available beginning on **Page 10**. At the top of the form, complete the last two digits of the current year. On the next line, list the assessing unit in which your property is located. If your property is located in a village and you are filing against the assessment on the town roll, list the town name.

PART ONE: GENERAL INFORMATION

Line 1: List property owner's name, day and evening telephone number.

Line 2: List property owner's mailing address.

Line 3: Don't complete unless you are going to be represented by someone other than yourself.

Line 4: List property's street address, city or town, village, and county.

Line 5: Find this information on your property tax bill, or check the assessment roll (*see sample.*)

Line 6: List the land assessment and total assessment from the assessment roll or notice from the assessor's office. Note that only the total assessment is subject to review.

Line 7: Determine the market value of your property based on sources of information suggested on **RP-524, Part II**.

PART TWO: INFORMATION NECESSARY TO DETERMINE THE VALUE OF YOUR PROPERTY

Lines 1-- 6: List information you used in establishing your property's value.

Line 7: Complete only if you are providing additional supporting information (including the assessments and estimates of the full values of any comparable properties).

PART THREE: GROUNDS FOR COMPLAINT

There are four acceptable grounds (descriptions are in the glossary) for a review:

1. unequal assessment (sample # 1),
2. excessive assessment (sample # 2),
3. unlawful assessment, or
4. misclassification.

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 25 % 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 25 %
 - 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.....\$ 100,000
- 4. Complainant believes the assessment should be reduced to.....\$ 25,000

Every parcel must be assessed at the same percentage of value. The assessment roll contains the statement of the assessor as to the percentage of value at which all parcels are assessed, as well as the assessor’s estimate of the full value of your parcel. Thus, if the assessor has valued your parcel at \$200,000 and stated that the uniform percentage of value is 50%, your assessment will be \$100,000 (\$200,000 x .50). If you disagree with either the full value or the percentage applied, you may seek review of an unequal assessment. Indicators of the uniform percentage of value or level of assessment include the latest State equalization rate, the latest residential assessment ratio (RAR), the stated percentage on the assessment roll or other statement by a local official or such other information that you believe shows the prevailing level of assessment. You already entered the full value of your parcel on **Line 7 of Part 1**. In **Sample # 1**, the taxpayer is the owner-occupant of a one-, two-, or three-family home and is using the RAR.

Line 1b: Place a check mark here, because our example is for a one-, two-, or three-family residence. (**Line 1a** is for all other types of property.)

Line 2: List a percentage of full (market) value at which you believe your property should be valued.

Line 2b: Place a check mark here, and list the latest Residential Assessment Ratio (RAR) for your property’s municipality. Obtain this RAR (or equalization rate) from your assessor, county director of real property tax services, NYS Office of Real Property Services, or our website www.orps.state.ny.us/sales/rar

Line 2d: Place a check mark here if you have other information to support your review, such as lower assessments on comparable properties including recent “arms-length” sales and

characteristics, or inventory, of the properties (type, size, number of bedrooms, garage size, location, etc.). Attach the information to this form.

Line 3: List the full value of your property on this line (listed on Part One, Line 7).

Line 4: List the amount at which you believe your property should be assessed. For example, if a property has a full value of \$100,000 and the RAR is .25, multiply \$100,000 by .25, resulting in an assessed value of \$25,000.

BAR Sample # 2, Part 3, Section B

Excessive Assessment

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\$135,000
 - b. Complainant believes that assessment should be reduced to full value of (Part one #7) \$ 100,000
 - 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\$ _____

Excessive assessment should be used as grounds for a review in places that assess property at full value (market value). In other words, a house worth \$100,000 should have an assessment of \$100,000. This is a common review after a community completes an initial property revaluation or an update of assessments several years after a community-wide revaluation.

Line 1: Place a check mark here; this sample is based on a property that has an assessed value higher than the market (full) value.

Line 1a: List the assessed value of your property.

Line 1b: List what you believe your property's full (market) value is (as previously listed in Part One, number 7).

Line 1c: Complete if you are providing additional supporting information (including assessments and estimates of the full values of any comparable properties).

Line 2: Place a check mark here if you were denied all or a portion of a partial exemption to which you believe that you are entitled. For example, if you believe you are entitled to the School Tax Relief (STAR) exemption, but a timely filed STAR application has been denied, use this section to ask for a review of the denial.

Line 3: Complete only if your approved assessing unit adopted transition assessments.

PART FOUR: DESIGNATION OF REPRESENTATIVE TO MAKE REVIEW

If you designated someone to represent you before the BAR, then list your name, your representative's name, sign and date.

PART FIVE: CERTIFICATION

You or your representative must sign and date this section.

PART SIX: STIPULATION

Complete only if the assessor and owner (or representative) have agreed upon a revised assessment of the parcel. The BAR is expected to ratify such written stipulations. Assuming the BAR does so, it need not mail notices of its ratifications to those taxpayers who have so stipulated to their assessments. If an assessment stipulation is agreed to and entered on the final assessment roll, then no judicial review may be sought. If the BAR doesn't ratify, then you have the choice of proceeding judicially under Article 78 of the Civil Practice Law and Rules, through the usual judicial remedies for small claims assessment review, or tax certiorari under Article 7 of the Real Property Tax Law.

Following is a sample complaint form:



COMPLAINT ON REAL PROPERTY ASSESSMENT FOR 2005

BEFORE THE BOARD OF ASSESSMENT REVIEW FOR Town of Smith (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) John Doe
2. Mailing Address of owner(s) 1 Smith Road
Smith, NY 10000
Day no. (432) 123-4567
Evening no. (432) 123-7890

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

4. Property location
1 Smith Road Street Address
Smith, NY City/Town
N/A Village (if any)
Jones County
Smith/Jones School District

5. Property identification (see tax bill or assessment roll)
Tax map number or section/block/lot 75.00-01-54.00
Type of property: Residence X Farm Vacant land
Commercial Industrial Other

Description: one acre lot improved by a single family residence

Assessed value appearing on the assessment roll:

6. Land \$ 4,000 Total \$ 35,000
7. Property owner's estimate of current full market value of property (see Part Two on page 2) \$ 100,000

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:\$100,000

a. Date of purchase: 9/10/04

b. Terms: Cash Contract Other (explain)
With mortgage

c. Relationship between seller and purchaser (parent-child, in-laws, siblings, etc.): None

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: 8/1/04 By Whom: Appraisal Company

Purpose of appraisal: Pre-mortgage Appraised value: \$ 100,000

4. Description of any buildings or improvements located on the property, including year of construction and present condition: Original one family dwelling, 3 bedroom cape cod, 2,000 sq. ft., attached garage, built in 1970.

Good 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 25% 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 25 %.
 - 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.....\$ 100,000
4. Complainant believes the assessment should be reduced to \$ 25,000

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.

_____ May 12, 2005 _____
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 | |
| Unequal assessment | Excessive assessment | |
| Unlawful assessment | Misclassification | |
| Ratification of stipulated assessment | No change in assessment | |

Reason: _____

Vote on Complaint

All concur			
All concur except:	against	abstain	absent

Name			
_____	against	abstain	absent
Name			

Decision by

	<u>Tentative assessment</u>	<u>Claimed assessment</u>	<u>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 _____

SMALL CLAIMS ASSESSMENT REVIEW (SCAR)

This information accompanies a copy of New York State Office of Court Administration (OCA) form RPTL 730 (Revised March, 1999) for use in seeking assessment reductions for qualified properties before a Small Claims Assessment Review hearing officer. This program is administered by OCA.

Small Claims Assessment Review provides an inexpensive way to seek further review of your assessment if you are dissatisfied with your local BAR's decision, eliminating the need for more costly and formal proceedings in State Supreme Court.

You can challenge your property assessment in SCAR if you meet both of the following provisions:

- you own and live in a one, two, or three-family home and use it exclusively for residential purposes. A seasonal residence can qualify provided that, during the period it is in use, the owner occupies it. In addition, vacant land parcels also can qualify provided they are not of sufficient size, as determined by the assessing unit, to contain a one, two, or three-family residential structure.
- You already timely filed a written review about your property assessment with the board of assessment review (BAR) or other administrative review body of the assessing unit, and you are not requesting a reduction greater than the amount you sought before that board.

Those who are **NOT** eligible for SCAR are:

- Owners of cooperatives, renters of apartments, and condominiums, except for condominiums in Class One "special assessing units" (Nassau County and New York City) and those designated in the homestead class in "approved assessing units";
- Owners of buildings that are put to a non-residential use;
- Owners who are seeking reductions for vacant land (other than the previously stated exception), farm buildings, commercial property, etc.

1. Obtain the RPTL-730 Form.

Form RPTL 730 can be obtained at the office of your county clerk.

2. Complete the RPTL-730 Form (see step-by-step instructions on Page 16).

3. File RPTL-730 by deadline.

Your petition must be filed within 30 days of the last date allowed by law for the filing of the final assessment roll for your assessing unit, or the published notice of such filing, whichever is later. This date varies among cities, towns, and villages, but your local BAR is required by law to notify you where and when to file. You also may contact the office of assessor or municipal clerk.

If you live in a village, it is important to note that many villages are separate assessing units. If your property is in such a village, and you want to challenge the assessments on both the village and town rolls, you must file separate petitions for both jurisdictions.

The filing fee is \$30 (make check payable to the county clerk). You will receive an award of costs of \$30 payable by the assessing unit if you succeed in receiving at least half of the assessment reduction you seek. If the assessment reduction is less than half of the amount

sought, the hearing officer may order the assessing unit to pay costs of up to \$30 to you. If no reduction in assessment is ordered, or your petition is dismissed for lack of jurisdiction, costs cannot be awarded.

Prepare at least eight copies of the petition; remember to keep a copy for your records.

- You must provide three copies to be filed with the county clerk, along with the \$30 filing fee.
- You must provide one copy each to the:
 - county treasurer;
 - clerk in the municipality where your property is located;
 - clerk of the school district; and
 - village clerk if your property is located in a village that has terminated its status as an assessing unit, and
 - sole assessor or chair of assessors (not required but recommended).

SCAR petitions are required to be delivered to the clerk of an assessing unit either in person or by certified mail, return receipt requested. If served by personal delivery, the clerk of the assessing unit or "other appropriate person" must furnish the petitioner with a receipt stating the date and time of delivery of the petition.

4. Appear at the hearing.

After your petition is filed, it will be assigned to a hearing officer. (Hearing officers typically are local real estate agents or attorneys.) The hearing officer contacts you to set a date, time, and place for a hearing.

The hearing is informal, but professional. You don't need an attorney. You may authorize someone to appear personally, with or without you, to support your petition. The assessor or other representative may be present or may submit statements supporting the assessment placed on your property.

The hearing officer is directed by law to consider the best evidence in each case. Evidence may include, but is not limited to: the assessments of comparable residential properties in the assessing unit, the Residential Assessment Ratio (RAR) for the assessing unit, the State equalization rate for the unit, and the stated uniform percentage of value. The hearing officer may accept or reject any evidence presented and may order a reduction in the final assessment or decide that it should remain unchanged.

5. Notification of the decision.

When you file a petition for SCAR, you waive your right to judicial review of your assessment in State Supreme Court pursuant to Title 1 of Article 7 of the Real Property Tax Law. (This proceeding is commonly called a "tax certiorari" proceeding.) If you are dissatisfied with the decision of the Small Claims hearing officer, your only recourse is to commence a proceeding pursuant to Article 78 of the Civil Practice Law and Rules. The review available in this type of proceeding is limited to consideration of whether the hearing officer acted in an arbitrary or capricious manner in hearing and deciding your case.

If the hearing officer determines that your assessment should be reduced, you should check the assessment rolls to make sure the changes have been made. If taxes already have been paid on the original assessment, you should receive whatever refund is due from the taxing jurisdiction or the collector of taxes, without having to make application for it. Refunds made

within 90 days are made without interest. Refunds made after 90 days bear interest at the rate of one percent a month for each month after the 90-day period.

Increases or decreases in an assessment for a period of one year following a reduction ordered by a SCAR hearing officer are prohibited. (Exceptions are allowed in cases of reassessment of all properties in the locality, or for changes in the property, such as construction, demolition or use.)

This one-year freeze also applies to the filing of a petition by the property owner. The law specifically refers to a 'petition' filing (SCAR) and not to 'complaint' filing (BAR). As a result, it is open to interpretation by BAR's as to whether the one-year freeze is applicable to BAR filings.

SCAR STEP-BY-STEP THROUGH THE RPTL-730 REVIEW PETITION

The Small Claims Assessment Review Petition, RPTL 730 is available at your County Clerk's office. A completed **sample** is available on **Page 21**.

PART I: GENERAL INFORMATION

You or your representative should complete all of Part 1 except for filing number and Calendar number. Complete line 6 only if you choose not to represent yourself.

1. An "Assessing Unit" is each town, city and village that assesses property. Tompkins County and Nassau County are the only counties that are the assessing units for all municipalities within their borders. (In Nassau County, cities and villages remain independent assessing units, although the county assesses property in cities and villages for county tax purposes.)
2. The "date of final completion and filing of 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 for SCAR that is filed more than 30 days after the deadline will be dismissed as untimely. Contact your assessor if you have any questions concerning the filing of the final assessment roll.
3. List the assessed value shown on the final assessment roll. This is the amount you will be seeking to have reduced.
4. Record the date on which you filed the petition in person or mailed it to the county clerk's office. **NOTE: If the petition is filed in person or mailed after the 30-day deadline, it will be dismissed.**

5-8. These items are self-explanatory. Complete **Number 6** only if you have selected someone else to file or to appear on your behalf.

PART II: GROUNDS FOR PETITION

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. To obtain a reduction of your assessment, you must show that the assessment is unequal or excessive.

A. ASSESSMENT REQUESTED ON THE COMPLAINT FORM FILED WITH THE BAR

1. List the assessment you seek for your property (not the actual assessment on the final roll). This requested assessment must be the same as the assessment you sought on review form RP-524 (see **PART THREE: Grounds for Complaint, A. UNEQUAL ASSESSMENT, Line 4**) that was filed with the BAR.
2. If property has an exemption, list the amount of assessed value that is exempt from taxation.
3. Subtract the amount on line (2) from the amount on line (1). This is the assessment amount that is taxable.

B. CALCULATION OF EQUALIZED VALUE AND MAXIMUM REDUCTION IN ASSESSMENT

There is a limit on how large an assessment reduction a petitioner can receive through Small Claims Assessment Review. This section is designed to determine if a particular property exceeds the limit.

1. Place a check mark here unless you live in New York City or Nassau County (these are the only "special assessing units" in New York State).

Next, calculate the equalized value of the property by dividing the assessed value (the assessment on the final assessment roll) by the State equalization rate. This rate can be obtained from the assessor's office, the Office of Real Property Services (ORPS), or the ORPS website: www.orps.state.ny.us

If the equalized value is \$150,000 or less, the limit has not been exceeded.

2. For properties in New York City or Nassau County, divide the assessed value by the Class One Ratio to determine the equalized value. The Class One Ratio for the City can be obtained from the New York City Department of Finance, for the County, from the Nassau County Department of Assessment, or from ORPS (including the ORPS website).
3. If the equalized value exceeds \$150,000, then multiply the property's assessed value by .25. The result is the maximum assessment reduction that can be sought. For example, if the assessed value is \$40,000, and the equalization rate is .15, then the equalized value would be \$266,667 (\$40,000 divided by .15). The limit would be \$10,000 in assessed value (\$40,000 X .25).

C. UNEQUAL ASSESSMENT

This is usually used where properties in a locality are assessed at a fraction of full, or market, value. For example, your property is worth \$100,000 on the open market, but it is assessed at 35 percent of its market value (\$35,000 assessment).

SCAR SAMPLE # 1 Part 2, Section C

PART II GROUNDS FOR PETITION

- 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: **\$100,000**

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 ratio: **25%**).
3. A sample of market values of recent sales process 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 **\$25,000** This amount may not be less than the total assessment amount indicated in Section A (1), or Section B (3), whichever is greater.

- a. Place a check mark here if you used the equalization rate to prove that your assessment is at a higher percentage of full (market) value than the average of all other property on the assessment roll. An equalization rate represents the average level of assessment in a community, including all major property types -- commercial, industrial, residential, etc.
- b. Place a check mark here if you used the Residential Assessment Ratio (RAR), which is an indication of the median (mid-point) level of assessment in a community for only residential property. This sample has a check mark here because RAR is used in an attempt to prove unequal assessment.

On the next line list your estimate of the full (market) value of your property.

1. If you are using the State equalization rate to prove unequal assessment, list the rate here.
2. If you are using the latest Residential Assessment Ratio (RAR) for the community where your property is located to prove unequal assessment, list the RAR here. In our completed sample, the RAR for the community is 25 percent.
3. To bolster your claim of unequal assessment you can show that residential properties of comparable value to your property have lower assessments than your property. Attach this information (on a separate sheet) to your petition.
4. Place a check mark here if you have information from the assessor or other local officials that properties in your community have been placed on the assessment roll at a specified percentage of full (market) value.

On the next line list the assessment you believe should be placed on your property. In this sample petition, \$25,000 is listed as the assessment being sought by the petitioner because the full (market) value of the property is listed as \$100,000, and the RAR is 25 percent ($\$100,000 \times .25 = \$25,000$).

D. EXCESSIVE ASSESSMENT:

The grounds of excessive assessment can be used only in places that are assessing properties at their full (market) values -- 100 percent.

1. For example, if your property is worth \$100,000, but is assessed for \$135,000, you would attempt to prove that the assessment is excessive and should be reduced to \$100,000.

For unequal assessment, you can attempt to prove your case if you can find recent sales of comparable properties that have assessments lower than your property. Put this information on a separate sheet and attach it to your petition. (Again, recent sales of comparable properties also can help you prove the full (market) value of your property.)

2. This section is for use by persons who believe they have been wrongly denied a portion or all of a partial property tax exemption, such as qualified senior citizens and veterans.

**PART II
GROUNDS FOR PETITION**

D. EXCESSIVE ASSESSMENT:

1. The total assessed value exceeds the full (market) value of the property.

Total assessed value of the property: **\$135,000.**

Complainant believes the total assessment should be reduced to a full value of **\$100,000.**

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.).

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

List the property's full (market) value using the purchase price or selling price of the property if recently purchased or offered for sale; a recent appraisal of the property; amount for which the property is insured, and the purchase prices of comparable properties that have sold recently.

PART III: LIST OF TAXING DISTRICTS

In this section, list the names of the taxing entities where your property is located: county, town, city, village (if applicable), and school district.

PART IV: DESIGNATION OF REPRESENTATIVE

Complete this section only if someone is representing you.

PART V: ELIGIBILITY AND CERTIFICATION

Review the items listed and, if you are in agreement with them, sign at the bottom.

Following is a sample SCAR petition:

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

**PART 1
GENERAL INFORMATION**

SUPREME COURT, COUNTY OF Jones

1. Filing # _____ Calendar # _____

2. Assessing Unit Town of Smith

3. Date of final completion and filing of assessment roll July 1, 2005

(a) Total \$135,000

(b) Exempt amount 0

(c) Taxable assessed value (3a-3b) \$135,000

4. Date of filing (or mailing) petition July 14, 2005

5. Name of owner or owners of property: John Doe
 Post Office Address: 1 Smith Road, Smith, NY 10000
 Telephone #: day: (123) 456-7890 evening: (123) 456-891

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 75.00 Block 01 Lot 54.00

8. Location of property (street, road, highway number, and city, town or village)
1 Smith Road
Town of Smith

PART II
GROUNDS FOR PETITION

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

- 1. Total assessment \$100,000
 - 2. Exempt amount, if any 0
 - 3. Taxable assessment \$100,000
-

B. CALCULATION OF EQUALIZED VALUE AND MAXIMUM REDUCTION IN ASSESSMENT

1. Property is NOT in a special assessing unit.

$$\begin{array}{rclcl} \text{ASSESSED VALUE} & \div & \text{EQUALIZATION RATE} & = & \text{EQUALIZED VALUE} \\ \underline{\$135,000} & & \underline{100} & & \underline{\$135,000} \end{array}$$

2. Property IS in a special assessing unit.

$$\begin{array}{rclcl} \text{ASSESSED VALUE} & \div & \text{CLASS ONE RATIO} & = & \text{EQUALIZED VALUE} \\ \underline{\hspace{2cm}} & & \underline{\hspace{2cm}} & & \underline{\hspace{2cm}} \end{array}$$

3. If the EQUALIZED VALUE exceeds \$150,000, 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: \$135,000
Complainant believes the total assessment should be reduced to a full value of \$ 100,000
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: 08/06/04 By Whom: Appraisal Company

Purpose of appraisal: Pre-mortgage

Appraised value: \$ 100,000

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: \$ 100,000

Name of insurance company and policy number: XYZ Appraisal Co. #123456

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

PART III
LISTING OF TAXING DISTRICTS

Names of Taxing Districts

1. COUNTY: Jones
2. TOWN: Smith
3. VILLAGE: N/A
4. SCHOOL DISTRICT: Smith/Jones

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 purposes 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 \$150,000, 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.

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.

John Doe

Signature of owner or representative

(*NOTE: Filing with the school district is not required in Buffalo, Rochester, Syracuse or Yonkers.)

GLOSSARY

Annual Reassessment

An annual, systematic review of the assessments of all parcels within an assessing unit at a uniform percentage of value. In accordance with the standards of the International Association of Assessing Officers (IAAO), this can be accomplished annually by:

- 1) A municipal-wide revaluation;
- 2) An analysis of all the properties in the municipality, and adjustment of assessments, when necessary, based on real estate market trends; or
- 3) A combination of 1 and 2.

Annual reassessment is not selective reassessment, where only certain properties are reviewed. Annual reassessment differs from selective reassessment in that all properties are systematically reviewed, even though assessments may not change. In the case of selective reassessment, all properties in the municipality would not be considered.

Arm's length sale

What a willing buyer would pay a willing seller under normal circumstances. For instance, a sale between relatives probably would not be considered "arm's length".

Assessing Unit

Each town, city and village that assesses property. Tompkins County and Nassau County are the only counties that are the assessing units for all municipalities within their borders. (In Nassau County, cities and villages remain independent assessing units, although the county assesses property in cities and villages for county tax purposes.)

Board of Assessment Review (BAR)

"The body of officers...empowered to hear and determine complaints in relation to assessments." (RPTL Section 102) (See Pages 4-5 for more information).

Excessive Assessment (Assessment Review Form RP 524, Part Three)

A claim when assessments in your municipality are made at *full value* and you believe the assessed value of your property is greater than its full (market) value. To establish the full value of your property, supply the same kind of information set forth in **Part Two**. (Another example of excessive assessment is the denial of all or a portion of a partial property tax exemption, such as the School Tax Relief [STAR] exemption)

Equalization Rate

"State equalization rate" means the percentage of full value at which taxable real property in a county, city, town or village is assessed as determined by the state board." (RPTL Section 102)

The rate is a ratio of the sum of the locally determined assessed values for all taxable parcels for a given assessment roll divided by ORPS's estimate of total full value for that same roll.

Full Value (also known as market value)

The current market value appraisal or estimate of what a property would sell for in an arms length transaction between a willing buyer and a willing seller.

Grievance Day

The fourth Tuesday in May, is **Grievance Day** in most towns. See **Page 4** for more information, or check with your local assessor for specific dates.

Inventory

The physical characteristics of the property, building style, square footage, age, etc.

Market Value

See *full value*.

Misclassification (Assessment Review Form RP 524, Part Three)

A claim for use only in *approved assessing units* that adopted “homestead” and “non-homestead” classes. These units completed a property revaluation and were certified by the State Board of Real Property Services. Ask your assessor if your property is in an approved assessing unit, and if property in your community has been classified as homestead or non-homestead.

For example, part of your property's acreage is allocated to the non-homestead class, which usually has a higher tax rate, and you believe that the entire property should be in the homestead class, which usually has a lower tax rate. When contesting only the allocation, without seeking review of the total assessed value, only the misclassification claim need be raised. If you believe that your property's assessment is unequal or excessive **and** the allocation is incorrect, then place a check mark on both misclassification and unequal or excessive assessment.

Note that Nassau County and New York City assess property using four classes. See the complaint forms and instructions for Nassau County and New York City, respectively, for explanations. (Contact information for those offices is listed on **Pages 3 and 4** of this publication under “Obtain the Review Form RP-524”)

Parcel

“A separately assessed lot, parcel, piece or portion of real property, except publicly owned bridges and land used for street, road, highway or parkway purposes. A parcel shall not be bisected by a municipal corporation boundary line except that in a special assessing unit a parcel may be bisected by a school district or village boundary line.” (**RPTL Section 102**)

Property Taxpayer's Bill of Rights

Since 1998, the full market value of each property, the uniform percent that the assessor applies to each property to determine the assessment, and an explanation of the assessment review process is now on the property tax bill. Those paying property tax through an escrow account receive receipts, rather than tax bills, containing information required by this Bill of Rights.

Revaluation ("reassessment" or "update")

“A systematic review of the assessments of all locally assessed properties, valued as of the valuation date of the assessment roll containing those assessments, to attain compliance with the standard of assessment [a uniform percentage of value] ...” (**RPTL Section 102**)

Residential Assessment Ratio (RAR)

A percentage established by the State Board of Real Property Services according to law, using the ratio of assessed value to the sales price for each usable residential sale in a recent one-year period. Ratios are then listed from highest to lowest; the midpoint (median) ratio is selected as the RAR. The RAR can be used to prove that a residential property is assessed at a higher level than other homes on the assessment roll. Your locality's RAR indicates at what percent of *full value* residential

properties are assessed. For example, a RAR of 20 indicates that residential properties are assessed at approximately 20 percent of their full value.

Small Claims Assessment Review (SCAR)

In cases where the determination of the BAR does not provide the requested relief, owners of qualifying properties are eligible for judicial review via Small Claims Assessment Review (Form RPTL 730). See **Page 14** for more information.

Stated Level of Assessment:

The average percentage of full value at which properties are assessed in a given assessing unit, as stated on the assessment roll. (compare: *Uniform Percentage of Value*)

Taxable Status Date

The ownership and physical condition of real property as of this date are assessed (valued) according to price fixed as of the valuation date. All applications for property exemptions must be filed with the assessor by this date. In most towns, the date is March 1, but you should check with your assessor.

Unequal Assessment

If assessments in your municipality are not made at full value, then State law requires that they be made at a uniform percent of value (Real Property Tax Law, section 305).

If you own a one-, two-, or three-family residence, and believe that your property is assessed at a higher percent of full (market) value than other residential property on the assessment roll, you may claim an unequal assessment. To support your claim, establish your property's value and the values of other comparable properties (use the types of information listed for **Part One, General Information, Line 7**). Then multiply your property's full value by your residential assessment ratio (RAR). You also may use the uniform percent of value listed on the assessment roll for your assessing unit.

If the result is lower than your property's assessed value, request that your assessment be reduced to that amount. If the assessments of your comparable properties you selected are lower than your property's assessment, use that information to bolster your claim of unequal assessment.

Uniform Percentage of Value

The percentage of market value (full value) used by an assessing unit to establish uniform assessments. This value must appear on the tentative roll. Real Property Tax Law Section 305 specifies, "all real property in each assessing unit shall be assessed at a uniform percentage of value..." (compare: *Stated Level of Assessment*)

Unlawful assessment

A type of claim for property deemed to be wholly exempt from property taxes (for example, churches, colleges, etc.). Supply the BAR with information to substantiate this claim, including a completed exemption application form, if required.

Valuation Date

Real property price level for the assessment cycle is set as of this date, July 1 of the prior year.

APPENDIX (BLANK BAR AND SCAR FORMS)



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\$ _____	_____

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

PART 1 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.

$$\begin{array}{rcccccc} \text{ASSESSED VALUE} & \div & \text{EQUALIZATION RATE} & = & \text{EQUALIZED VALUE} \\ \hline & & & & \end{array}$$

2. Property IS in a special assessing unit.

$$\begin{array}{rcccccc} \text{ASSESSED VALUE} & \div & \text{CLASS ONE RATIO} & = & \text{EQUALIZED VALUE} \\ \hline & & & & \end{array}$$

3. If the EQUALIZED VALUE exceeds \$150,000, 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 purposes 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 \$150,000, 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 by 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.

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: Filing with the school district is not required in Buffalo, Rochester, Syracuse or Yonkers.)