

BERGEN COUNTY BOARD OF TAXATION  
INSTRUCTIONS FOR FILING PETITION OF APPEAL

**1. FILING DATE**

- (a) Appeals must be **received** (not just 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.  
**BURLINGTON, MONMOUTH, AND GLOUCESTER COUNTY RESIDENTS ONLY** – Filing dates for Burlington, Monmouth, and Gloucester County Tax Board appeals have changed. The appeal deadline for these counties only is on or before January 15 or 45 days from the date the bulk mailing of Notification of Assessment is completed in the taxing district, whichever is later. Please visit the respective board's website or call the Burlington, Monmouth, or Gloucester County Tax Boards for more information.
- (b) A taxpayer has 45 days to file an appeal upon issuance of Notification of Change of Assessment.  
If the subject property is in a taxing district where a municipal-wide revaluation or municipal-wide reassessment was implemented, appeals must be **received** (not just 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 a legal holiday, the last day is extended to the next business day.
- (c) An appeal received after the close of business hours on the respective filing deadline date is untimely filed and will result in dismissal of the appeal for lateness.

**2. SEPARATE APPEALS**

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

**3. FILING OF PETITION**

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

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

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

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

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

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

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

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

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

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

**6. ADJOURNMENTS**

No adjournments will be granted except for extraordinary reasons.

**7. REPRESENTATION AT HEARING**

- (a) A taxpayer must be present at the hearing, unless he or she has elected to have a summary hearing (see Section 8), or be represented by an Attorney-at-Law admitted to practice in the State of New Jersey.
- (b) If the petitioner is a legal entity, such as a corporation, partnership, LLC, trust etc., the appeal must be prosecuted by an Attorney-At-Law admitted to practice in the State of New Jersey, unless the subject property's prior year taxes were less than \$25,000, in which case the petitioner can appear in his, her, or its own behalf.

(over)

## INSTRUCTIONS FOR FILING PETITION OF APPEAL (continued)

### 8. SUMMARY HEARING

All evidence submitted to the Board of Taxation will be the only basis for appeal determination. If comparables are significantly different from the property you will not have the opportunity to discuss at the hearing. You may submit a written explanation of your comparables. The Board may reject evidence if not comparable to your property. In order for you to obtain a successful appeal your evidence must be such that it plainly and clearly evidences error(s) on your tax assessment. (see A-1 comp. form)

**NOTE:** If an appraisal report is submitted as part of the evidence, the County Board of Taxation may still require appraiser and tax payer to appear. If taxpayer is represented by counsel, the attorney must appear.

- (a) The Municipality may cross appeal your assessment. You will be notified of the cross appeal and provided the opportunity to appeal at the hearing.

### 9. DISCRIMINATION

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

### 10. SUPPORTING PROOF AND PROCEDURES

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

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

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

#### (a) COMPARABLE SALES

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

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

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

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

#### (c) OTHER DATA

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

#### (d) APPRAISALS

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

### 11. SIGNATURE

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

### 12. 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.

### 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 directly in accordance with amendatory legislation and Tax Court rules. The Tax Court of New Jersey is located at the Richard J. Hughes Justice Complex, 25 Market Street, Trenton, New Jersey.

**Mailing address: PO Box 972, Trenton, NJ 08625-0972. Telephone number: (609) 815-2922, press option 1.**

### 14. FREEZE ACT

# BERGEN COUNTY BOARD OF TAXATION

## TAX APPEAL FILING PACKET

### A COMPREHENSIVE GUIDE TO UNDERSTANDING THE PROPERTY TAX APPEAL PROCESS

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

#### This Guide Contains the Following:

	<u>Page:</u>
➤ Responsibility of the Petitioner	1.
➤ What to Expect at a Property Assessment Appeal Hearing	2.
➤ Important Reminders for Tax Appeal Hearings	4.
➤ What is a Legitimate Comparable Sale?	5.
➤ Comparable Sales Notice	6.
➤ Comparable Sales Analysis Form	7.
➤ Comparable Sales Analysis Form Instructions	8.
➤ SR-1A's	10.
➤ Non-Usable Categories	11.
➤ NOTICE TO ALL TAXPAYERS	14.
➤ NOTICE TO PETITIONERS	15.
➤ Property Assessment Appeal Checklist	16.
➤ County Assessment Appeal Tips	17.
➤ County Tax Appeal Frequently Asked Questions	18.

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

# RESPONSIBILITY OF THE PETITIONER

## BURDEN OF PROOF

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

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

## WHAT TO EXPECT AT A PROPERTY ASSESSMENT APPEAL HEARING

### NOTIFICATION

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

**Location:** All Bergen County Tax Board hearings are held at the County Justice Center, 2 Bergen County Plaza, 1<sup>st</sup> floor, Hackensack, NJ.

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

**Time:** The time of your appeal will appear on your hearing notice.

### PRIOR TO HEARING

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

### WHO IS PRESENT AT THE HEARING

The following individuals are present at the hearing: Hearing Commissioner/Commissioners; Commissioner's Clerk; Municipal Tax Assessor; Municipal Attorney; Revaluation Firm Representative or other expert for the Municipality; Petitioner; Petitioner's Attorney (if so desired); other witnesses.

The hearings are also open to the General Public

### AT THE HEARING

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

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

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

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

## IMPORTANT HEARING ROOM RULES

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

## AWOP – AFFIRMED WITHOUT PREDJUDICE

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

## ADJOURNMENTS

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

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

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

If an adjournment is granted ALL evidence including comparable sales must be submitted to the Board and Tax Assessor at least seven (7) calendar days prior to the hearing date assigned.

Evidence received after that deadline will not be considered.

BERGEN COUNTY BOARD OF TAXATION  
Two Bergen County Plaza  
First Floor  
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## IMPORTANT REMINDERS FOR TAX APPEAL HEARINGS

1. The burden of proof is on the taxpayer. The valuation date for an appeal is October 1<sup>st</sup>, prior to the appeal year.

**EXAMPLE:** An appeal of a 2017 assessment has a valuation date of October 1, 2016.

2. The sale of the subject may not be conclusive proof of value. You should also have other evidence, such as comparable sales.
3. If you have **ANY ADDITIONAL** evidence of value that has not already been submitted with your original appeal, it must be **RECEIVED** by the Tax Assessor (1 copy), municipal clerk (1 copy) and the County Tax Board (2 copies) at least 7 calendar days prior to your scheduled hearing.
4. Even though information and comparables are exchanged prior to the hearing, they will not be considered as evidence unless introduced by the submitting party at the hearing.
5. If an appraisal is to be used, the Appraiser must be present to testify.
6. Sales used as comparables must have occurred on or before October 1<sup>st</sup> of the pretax year. Properties that have sold subsequently may be used to support value but not as direct evidence.
7. You cannot appeal the **TAXES** on your property since the taxes are the result of the local budget process, nor can other **ASSESSMENTS** be compared to yours.
8. Check with your assessor to make sure your property record card is accurate. In measuring the square footage of your property, remember to use only exterior measurements.
9. In order for your case to be heard, **ALL** real estate taxes and municipal charges up to and including February 1<sup>st</sup> of the tax year must be current. Failure to comply may result in your case being dismissed.
10. In the event 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, unless the prior year taxes were less than \$25,000.
11. If a Stipulation of Settlement is signed, returned and received by the Assessor, it is **NOT** necessary to attend the hearing.



**COUNTY OF BERGEN  
BOARD OF TAXATION**

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James J. Tedesco III  
*County Executive*

Robert F. Layton  
*Tax Administrator*

**WHAT IS A LEGITIMATE COMPARABLE SALE**

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

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

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

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

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

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



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

THIS IS **NOT** A MANDATORY FORM

## COMPARABLE SALES ANALYSIS FORM

NAME:

MUNICIPALITY:

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

22 ADDITIONAL COMMENTS:

SUBJECT:

SALE #1:

SALE #2:

SALE #3:

## HOW TO PREPARE A COMPARABLE SALES ANALYSIS

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

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

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

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

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

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

### SR-1A'S (SALES RECORDS)

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

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

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

NEW JERSEY STATUTES ANNOTATED TITLE 18 CHAPTER 12  
SUBCHAPTER 1. CATEGORIES OF NONUSABLE DEED TRANSACTIONS:

18:12-1.1 Categories enumerated:

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

1. Sales between members of the immediate family;  
LPT News. SR1A form. .... June-July 1955:1
2. Sales in which "love and affection" are stated to be part of the consideration;
3. Sales between a corporation and its stockholder, its subsidiary, its affiliate or another corporation whose stock is in the same ownership;
4. Transfers of convenience; for example, for the sole purpose of correcting defects in title, a transfer by a husband either through a third party or directly to himself and his wife for the purpose of creating a tenancy by the entirety, etc;
5. Transfers deemed not to have taken place within the sampling period. Sampling period is defined as the period from July 1 to June 30, inclusive, preceding the date of promulgation, except as hereinafter stated. The recording date of the deed within the period is the determining date since it is the date of the official record. Where the date of deed or the date of formal sales agreement occurred prior to January 1, next preceding the commencement date of the sampling period, the sale shall be nonusable;  
LPT News. Nonusable Deed Transaction ..... Sept-Oct 1980:2
6. Sales of property conveying only a portion of the assessed unit, usually referred to as apportionments, split-offs or cut-offs; for example, a parcel sold out of a larger tract where the assessment is for the larger tract;  
LPT News. Non-usable Deed Transaction ..... April 1965:2
7. Sales of property substantially improved subsequent to the assessment and prior to the sale thereof;  
LPT News. General Use. .... April 1960:4  
LPT News. Non-Usable Deed Transaction ..... May-June 1964:2  
LPT News. Non-usable deed Transaction ..... Sept-Oct 1973:2  
LPT News. Nonusable deed Transaction ..... May-June 1981:2  
LPT News. Nonusable category 7 (reprint) ..... May-June 1990:2  
LPT News. SR6 Be Thorough ..... July-Aug 1990:3
8. Sales of an undivided interest in real property;
9. Sales of properties that are subject to an outstanding Municipal Tax Sales Certificate, a lien for more than one year in unpaid taxes on real property pursuant to N.J.S.A. 54:5-6, or other governmental lien;
10. Sales by guardians, trustees, executors and administrators;  
LPT News. Non-usable deed transaction ..... July-August 1974:2
11. Judicial sales such as partition sales;
12. Sheriff's sales;

13. Sales in proceedings in bankruptcy, receivership or assignment for the benefit of creditors and dissolution or liquidation sales;
14. Sales of doubtful title including, but not limited to, quit claim deeds;
15. Sales to or from the United States of America, the State of New Jersey, or any political subdivision of the State of New Jersey, including boards of education and public authorities;
16. Sales of property assessed in more than one taxing district;
  - LPT News. Assessment of Property in Two Taxing Districts .....March 1954:1
  - LPT News. Non-usable deed transaction..... October 1965
  - LPT News. Non-usable deed Transaction..... Jan-Feb 1974
17. Sales to or from any charitable, religious, or benevolent organization;
18. Transfer to banks, insurance companies, savings and loan associations, mortgage companies when the transfer is made in lieu of foreclosure where the foreclosing entity is a bank or other financial institution;
19. Sales of property whose assessed value has been substantially affected by demolition, fire, documented environmental contamination, or other physical damage to the property subsequent to assessment and prior to the sale thereof;
20. Acquisitions, resale or transfer by railroads, pipeline companies or other public utility corporations for right-of-way purposes;
21. Sales of low/moderate income housing as established by the Council on Affordable Housing;
22. Transfers of property in exchange for other real estate, stocks, bonds or other personal property;
23. Sales of commercial or industrial real property which include machinery, fixtures, equipment, inventories, or goodwill when the values of such items are indeterminable;
  - LPT News. Non-usable Deed Transaction..... June-July 1965:2
24. Sales of property, the value of which has been materially influenced by zoning changes, planning board approvals, variances or rent control subsequent to the assessment and prior to the sale;
  - LPT News. General Use. .... April 1960:4
  - LPT News. Non-usable Deed Transaction..... May 1965:2
25. Transactions in which the full consideration as defined in the "Realty Transfer Act" is less than \$100.00;
  - LPT News. General Use - ..... Revenue Stamps\* April 1960:4
26. Sales which for some reason other than specified in the enumerated categories are not deemed to be a transaction between a willing buyer, not compelled to buy, and a willing seller, not compelled to sell;
  - LPT News. General Use ..... April 1960:4
27. Sales occurring within the sampling period but prior to a change in assessment practice resulting from the completion of a recognized revaluation or reassessment program, i.e. sales recorded during the period July 1 to December 31 next preceding the tax year in which the result of such revaluation or reassessment program is placed on the tax roll;
  - LPT News..... SR1A Accuracy Jan-Feb 1987:2
  - LPT News.....SR1A Accuracy March-April 1988:2
  - LPT News.....Grantor Listings March-April 1989:2

LPT News.....Grantor Listings March-April 1987:2

28. Sales of properties which are subject to a leaseback arrangement;
  29. Sales of properties subsequent to the year of appeal where the assessed value is set by court order, consent judgment, or application of the "Freeze Act".  
State Tax News..... Volume 23, Number 2 Summer 1994  
Consent Judgment Letter from DAG Leon Wilson to Robert Johnston August 22, 1966  
Memo to Robert Johnston from Albert Rees – Legal Analyst Reprint November 2005
  30. Sale in which several parcels are conveyed as a package deal with an arbitrary allocation of the sale price for each parcel;
  31. First sale after foreclosure by a Federal or State chartered financial institution;
  32. Sale of a property in which an entire building or taxable structure is omitted from the assessment;
  33. Sales of qualified farmland or currently exempt property.  
LPT News. Qualified farmland ..... February 1965:2
- (b) Transfers falling within the foregoing category numbers 1, 3, 9, 10, 15, 17, 26, and 28 (under section (a) above), should generally be excluded but may be used if after full investigation it clearly appears that the transaction was a sale between a willing buyer, not compelled to buy, and a willing seller, not compelled to sell, with all conditions requisite to a fair sale with the buyer and seller acting knowledgeably and for their own self-interests, and that the transaction meets all other requisites of a usable sale.



# PROPERTY ASSESSMENT APPEAL CHECKLIST

## HOW TO AVOID COMMON MISTAKES:

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

## BE AWARE OF COMMON MISUNDERSTANDINGS:

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

### NOTICE TO ALL TAXPAYERS

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

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

## NOTICE TO PETITIONERS

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

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

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

You cannot appeal the amount of taxes on your property.

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

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

## **COUNTY ASSESSMENT APPEAL TIPS**

### **Come Prepared**

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

### **Be on time**

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

### **Do your homework**

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

### **Confirm your sales**

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

### **Don't compare assessments**

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

### **Use photographs**

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

### **Repeat information**

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

## COUNTY TAX APPEAL FREQUENTLY ASKED QUESTIONS

### *When do I file my appeal?*

Appeals must be filed by April 1<sup>st</sup>, or the next business day, if April 1<sup>st</sup> is on a weekend or holiday. For Revalued or Reassessed districts the appeal must be filed by May 1<sup>st</sup>, or the next business day if May 1<sup>st</sup> falls on a weekend or holiday. The appeal must be received by the close of business on the due date. An envelope postmarked on the due date which is received after the due date is unacceptable.

### *I am over 65 (or a veteran, disabled); do I have to pay a filing fee?*

Yes, you must pay a filing fee, there are no exceptions. Payment is in cash or checks made payable to the County Tax Administrator.

### *Do I need to be represented by an attorney?*

No, you may appeal on your own behalf. You may choose to hire an attorney if you want to though. If the petitioner is a legal entity, such as a corporation, partnership, LLC, trust, etc., the appeal must be prosecuted by an Attorney-at-Law admitted to practice in the State of New Jersey, unless the subject property's prior year taxes were less than \$25,000, in which case the petitioner can appear in his/her or its own behalf.

### *Should I hire an appraiser?*

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

### *What are considered valid comparable sales to use as evidence in my appeal?*

Comparable sales should have occurred prior to the October 1<sup>st</sup> of the year preceding your appeal. If you are filing an appeal in 2018, the comparable sales should be prior to October 1, 2017. Comparable sales should be of properties similar to your property in your neighborhood. The more similar the characteristics of comparable properties to your property, the better they will aid you in your appeal. While not a complete list, such items as size (lot and building sq. footage), number of baths, garages, finished attic or basement, number of stories, pool and age of building are a few value contributing amenities you should consider. You should be prepared to discuss the similarities between your property and the comparables you have selected. Pictures of your property and your comparables are helpful. The sales should represent "fair market value", which is defined as the highest price that a property will bring, if exposed to a competitive and open market under all conditions required for a fair sale. The buyer and seller must be knowledgeable, acting prudently and under no duress.<sup>1</sup> In this definition it is understood that the following must exist:

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

### *How many comparable sales should I use?*

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

### *When must my comparable sales evidence be submitted?*

It is best if you can list the comparable sales information on your appeal application and attach the evidence to the appeal when it is filed. However, at the latest, you may supply your evidence to the Tax Board, your Assessor, and the municipal clerk, at least seven (7) days prior to your hearing. This allows the Tax Board Commissioners and your Assessor time to become

familiar with your evidence. If you wait until your hearing to supply your evidence it most likely will not be admitted, and you will not have any evidence to support an assessment reduction.

***Where can I get physical descriptions of my property and the comparable properties I will use as evidence?***

You may request, from your Assessor, the property record cards for the comparable sales that you have chosen to use in your appeal. The request should allow sufficient time prior to your hearing for the Assessor and for you to review the information. A realtor may be able to provide sales information to you. Property sales information is available for you to research at your town Assessor's office or the Tax Board office.

***What telephone number do I put on the appeal?***

Supply the phone number where you most likely can be reached during the day.

***When will I receive my hearing notice?***

You will receive your notice of hearing at least ten (10) days prior to your hearing. If you have not received your notice and are concerned, please call your Tax Board. It is your responsibility to appear for your hearing.

***Do I have to appear at the hearing?***

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

***Where are the hearings held?***

The hearings are held at the County Law Building located at Two Bergen County Plaza, First Floor, in Hackensack, NJ. The location of your specific hearing will be posted on signs in the Tax Board office on the first floor. All hearings are open to the public.

***Once I have filed my appeal, is there any way I can settle my case before my hearing?***

Yes, it is possible. If you contact your Assessor after you filed your appeal you may be able to reach an agreement on a reduction. If you do reach an agreement, the Assessor will prepare a Stipulated Settlement form, which will be signed by both you and the Assessor. It is then forwarded to the Tax Board for final review. If the Board agrees to the settlement, a Memorandum of Judgment will be issued and you will not have to appear for your hearing.

***Do I have to pay my taxes when I am appealing my assessment?***

Yes, pay your tax bills as you normally would. You must pay the first quarter by February 1<sup>st</sup> and all other municipal fees and outstanding charges must be paid by your hearing date. If you are successful in reducing your assessment you will receive an adjustment on your tax bill by the fourth quarter.

***Do I have any options if I am not satisfied with the result of my hearing?***

Yes, you may appeal to the NJ Tax Court within 45 days from the date the Board's Judgment was mailed. The Tax Court procedures for appeal are available online or you may call the phone number listed on the back of the Memorandum of Judgment. Also, you may appeal your assessment every year if you so choose.

***What should I do if I decide not to appeal after I've already filed, or find that I cannot attend my hearing?***

If you've already filed your appeal and decide not to continue with it you should notify the Tax Board, in writing, that you are withdrawing your appeal. Filing fees are **non-refundable**. If you find that you cannot attend the hearing contact the Tax Board office, either by phone or in writing, to let them know you won't be able to attend.

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