



Board of Assessment Review Training

OSWEGO COUNTY
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Contact

Presenter

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Course Outline

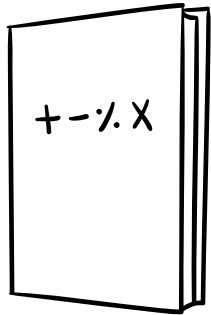
INTRODUCTION	THE BOARD OF ASSESSMENT REVIEW	THE GRIEVANCE HEARING	DETERMINATIONS AND BEST PRACTICES
Assessment of Real Property	Composition of the Board	Grounds for Complaints	Determination and reporting of changes
Property Taxes	Training, Certification, and Disclosures	Hearings procedures	Second Meeting and subsequent complaint routes
	Grievance Day Preparation	Burden of Proof	Common pitfalls and frequent questions

Introduction

OR HOW I LEARNED ENTIRELY TOO MUCH INFORMATION ABOUT
PROPERTY ASSESSMENT AND TAXATION

Assessment of Real Property

A Brief History of Assessment



- Assessments are a determination made by an assessor as to:
 - 1. The “value” of real property
 - 2. Whether or not real property is subject to taxation or special levies
- Assessments have been in practice since 1798
 - First used by Federal Assessors for first United States direct property tax levy
- Modern assessment standards date back to 1971
 - Assessment Improvement Law

Assessment of Real Property

The Assessment of Real Property

- In NYS the Real Property Tax is an “**Ad Valorem**” tax
 - Tax based upon the **value** of property
 - Courts have determined “value” means **Market Value**
- **RPTL 300** – ALL real property is subject to taxation unless exempt by law
- **RPTL 302** – ALL real property must be assessed according to condition and ownership as of March 1st (**taxable status date**)
- **RPTL 304** – ALL assessments are against the real property itself
- **RPTL 305** – ALL real property must be assessed at a **uniform percentage** of (market) value

THE GOAL OF ASSESSMENT

The fairest and most equitable distribution of the real property tax burden among taxpayers.

Assessment of Real Property

The Board's Role in The Assessment Process

- Once the Assessor has filed the Tentative Roll **ONLY** the BAR has jurisdiction over the assessment roll going forward.
- No changes can be made to the Tentative or Final Assessment roll without going through the Board, including **corrections of errors**.
- Board acts as the first step in **administrative review** of assessments
 - Governed by the constitutional principle of **due process** – a taxpayer's right to a fair hearing to air his or her grievance and an opportunity to be heard.

Assessment of Real Property

What is Real Property?



- **Real Estate** means only the land and all things affixed to the land.
 - Natural: trees, water, vegetation
 - Manufactured: homes, fences, patios, sheds
- **Real Property** means real estate along with the “bundle of rights” for land ownership
 - Right to convey (sell/lease)
 - Right to access (easements/right-of-way)
 - Mineral rights, etc

Assessment of Real Property

What is
assessed
for taxes?



- Each property on an assessment roll is a **parcel** which is represented on the **tax map**.
- Parcels have boundaries as described in **deeds** and surveys.
- The **land** and **improvements** within those boundaries determine what is assessed and valued.

Tax Parcels

TAX MAP



AERIAL MAP



Assessment of Real Property

Taxable Status Date



All property is assessed according to its ownership and condition as of the **taxable status date**.

Ownership is used for **exemption** purposes which makes this the **deadline** for filing exemption applications.

Condition means the **current use** and the **physical status** of the real estate for determining its assessed value.

Taxable Status Date

Examples



- A home under construction was not done on March 1st. Assessor valued it as complete. Assessment should represent a fraction of its value based on how much was finished.
- A home that burns down on February 28th should be assessed for a now vacant lot since it's no longer physically there on March 1st.
- BUT a home that burns down on March 2nd was physically there on March 1st so it gets assessed for the whole year.

Assessment of Real Property

Who
Determines
Assessments?

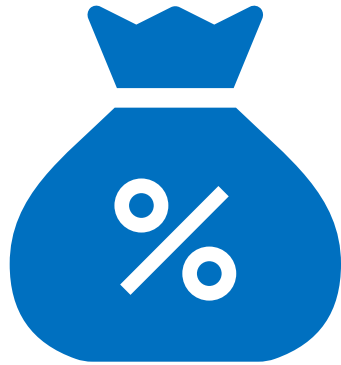


Assessor – locally appointed official

- Maintains assessment roll
- Establishes market value estimates and taxable status of parcels
- Processes exemption applications and determines eligibility
- Determines Level of Assessment (LOA) and sets assessed values

Assessment of Real Property

Who Uses Assessments?



Taxing Jurisdictions

- County
- Cities/Towns/Villages
- School
- Special Districts (Fire, Light, Water, Sewer)

Each taxing jurisdiction has a Tax Levy (amount to raise in taxes)

Taxable Assessments apportion levy into individual tax bills

Assessment of Real Property

Level of Assessment

- Originally “Full Value” assessment was NYS law
- Law was flagrantly disregarded for almost 200 years
- Most assessing units assessed at less than full market value (fractional assessment)
- 1975 Court Case (Hellerstein v. Assessor, Town of Islip, 37 N.Y.2d 1) attempted to mandate full value assessment in all assessing units
- Pushback by local municipalities led to law changes in 1981 repealing “full value” standard and creating current RPTL 305



RPTL § 305

ASSESSMENT METHODS AND STANDARD

[...] 2. All real property in each assessing unit shall be assessed at a uniform percentage of value (fractional assessment) [...]

Assessment of Real Property

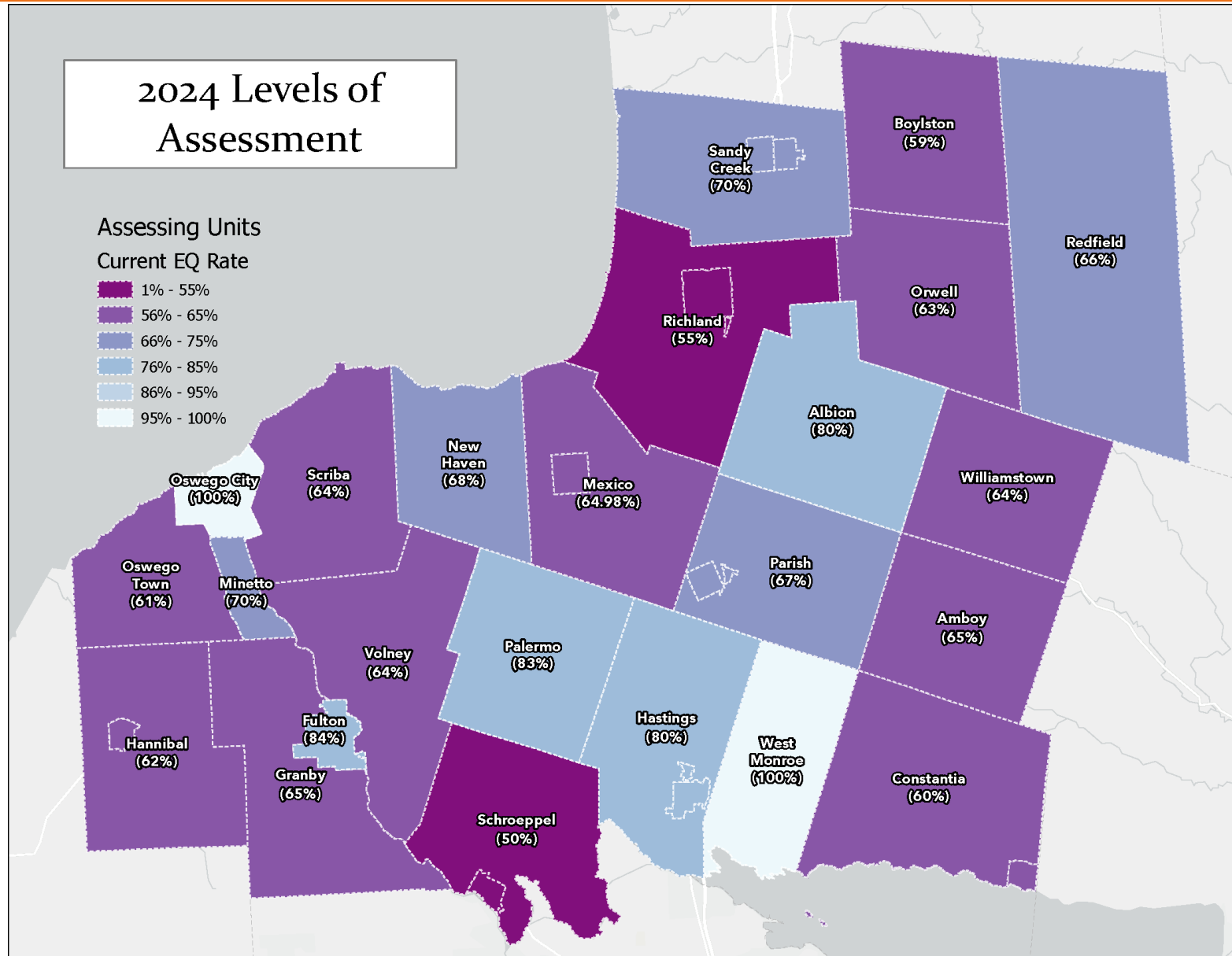
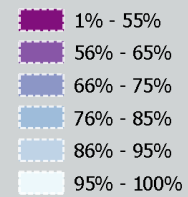
Level of Assessment



- The Assessed value of a property is **related** to the Market value
- Each municipality has their own Level of Assessment (LOA)
 - LOA of 100% means Assessed Value = Market Value
 - LOA of 50% means Assessed Value = 50% of Market Value
- LOA usually reduces annually due to increasing Market values unless regular reassessments are conducted

2024 Levels of Assessment

Assessing Units Current EQ Rate



Assessment of Real Property

“Level of Assessment”

VS.

“Equalization Rate”

- NYS also measures the ratio of Assessed Value to Market Value
 - Ratios are called “Equalization Rates”
 - Rate use to “equalize” values when tax levy includes more than 1 assessing unit at different LOA
- Both LOA and ER are measures of assessment equity on a **municipal-wide scale**.
 - May not be accurate for individual properties
- Necessary when grieving a property to know the FULL value
 - Most people will likely present evidence to show market value – you must make sure your **determinations** are for **assessed value** which may be a lower % of market value.

Assessment of Real Property

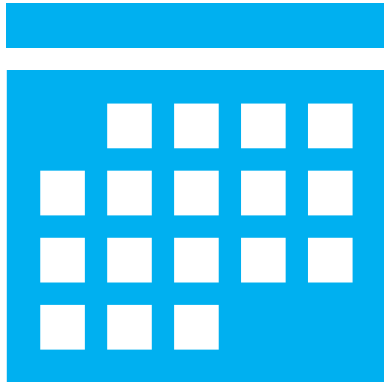
Market Values



- All property has value
 - Value created when there is utility, desire, need, or scarcity
 - Land has utility, is scarce, unique, immobile, durable, and finite
 - Because **people** find land useful **people** give it value
- No one “sets” market values – they are **extracted** from the Market.
 - Valid real estate sales – “Arms Length”
 - The dollar amount that the real property could reasonably sell for on the market

Assessment of Real Property

Valuation Date



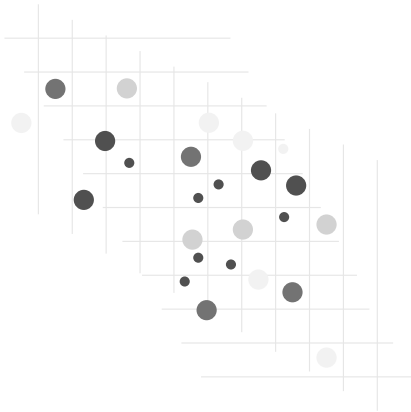
- Like Taxable Status Date, all property is assessed based on its value as of a single date.
- Valuation Date: July 1st of the prior year
- In other words, based on the condition as of March 1st, what would the property have sold for in last July's real estate market.

Three Approaches to Market Values

1. Sales Comparison Approach
 - a. Compares a subject property to similar ones that have sold recently in the same community
 - b. Adjustments are made to prices of comparable sales based on dissimilarities between each sale and the subject to arrive at an opinion of value.
2. Cost Approach
 - a. Uses published or calculated building costs based on construction grade and materials, adjusts for depreciation, and arrives at a “replacement cost” value
3. Income Capitalization Approach
 - a. Generally used for income-generating commercial property
 - b. Calculates the value of real property using net operating income and a capitalization rate (rate of return) that’s been extracted from the market.

Assessment of Real Property

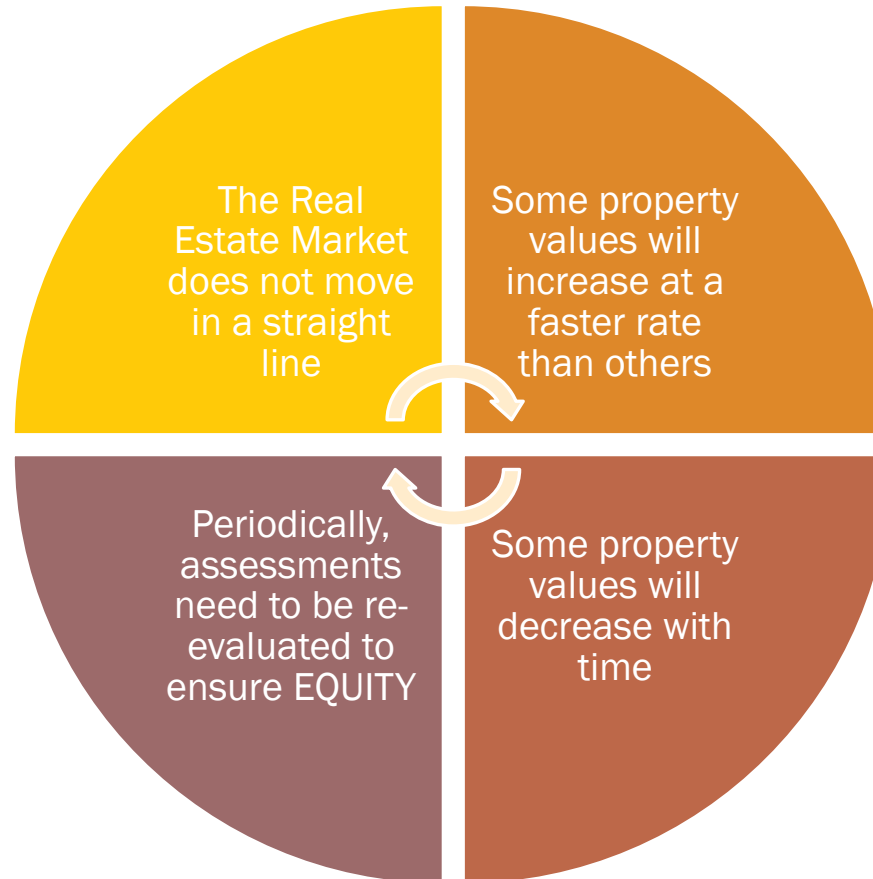
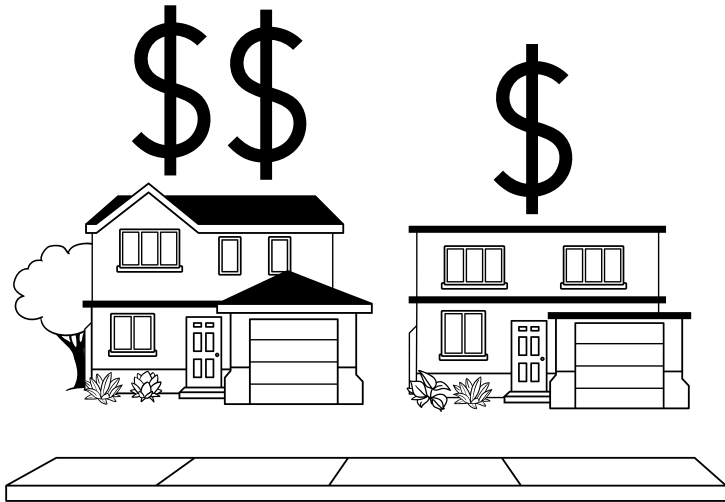
Mass Valuation



- CAMA – Computer Assisted Mass Appraisal
 - Values a large group of properties at the same time using common methods and data
 - Applies the 3 Approaches to Value on a “mass” scale to apply market trends across more than one property
 - Commonly used in Reassessments/Revaluation

Assessment of Real Property

Reassessments and Revaluation



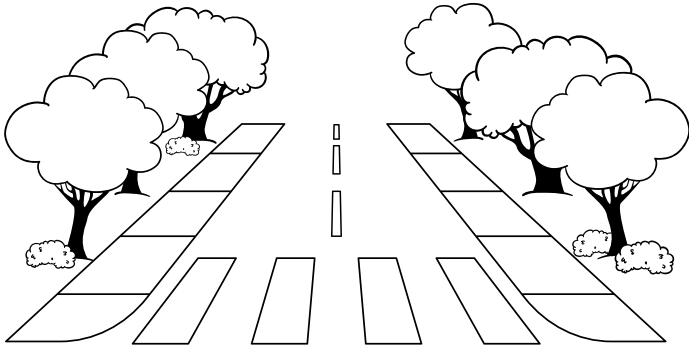
Property Taxes

A Brief History of The Real Property Tax

- In NYS, can be dated back to 1654 (Dutch New York Colony)
- In those days, determined as a quota of tax to be collected by Counties
 - County in turn determined quota for each town/ward
 - Town/ward divided quota among land parcels based on “whatsoever have been deemed the worth or value thereof”

Property Taxes

The Real Property Tax



Ad Valorem Tax – tax according to “value”

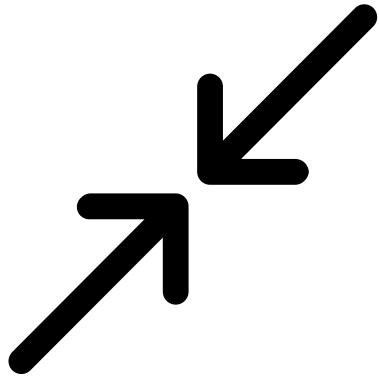
Largest source of funds to meet Municipal and School Budgets

Two components make up the Property Tax

1. The Assessment of the property – determined by the Assessor
2. The Tax Rate - determined from the Tax Levy

Assessment of Real Property

Property Tax Exemptions

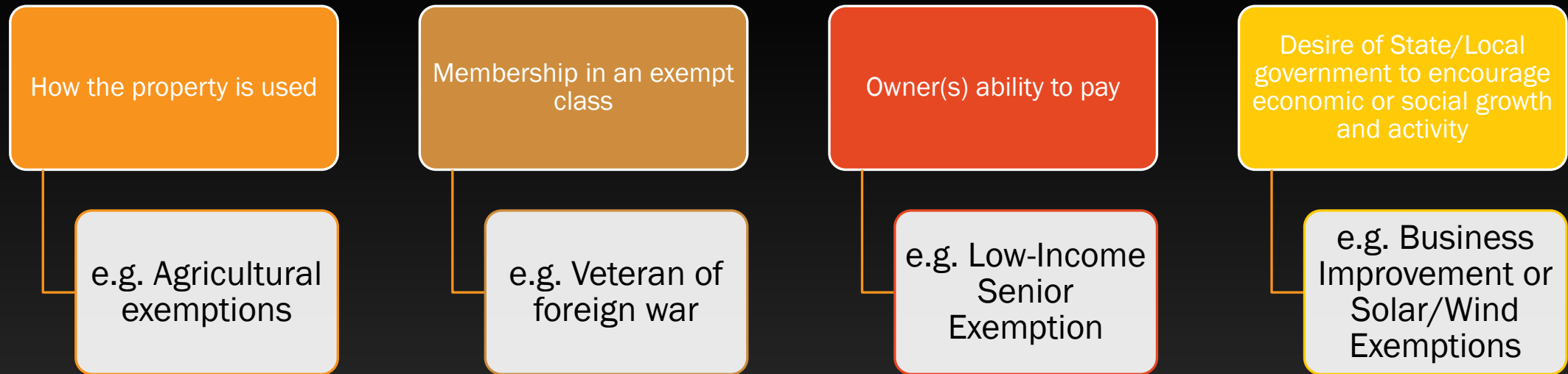


Exemptions are **relief from taxation** by providing partial or full relief from the payment of taxes for eligible properties.

Unless a property is exempt in some capacity, **all real property is subject to taxation** in New York State.

Assessor or city/town attorney is the best source for questions concerning eligibility for exemptions.

Exemption Types



The Tax Levy



The Tax Rate

The diagram illustrates the formula for calculating the tax rate. It features three orange circles and two horizontal bars. The top circle is labeled 'TAX LEVY'. Below it is a horizontal bar. The bottom circle is labeled 'TOTAL TAXABLE ASSESSED VALUE'. To the right of these is an equals sign, represented by two horizontal bars. To the right of the equals sign is another orange circle labeled 'TAX RATE'.

$$\frac{\text{TAX LEVY}}{\text{TOTAL TAXABLE ASSESSED VALUE}} = \text{TAX RATE}$$

Tax rate is usually multiplied by 1,000 and expressed as "dollars per thousand (of assessed value)"

Tax Bills 101

Taxable Value

- Assessment less any partial exemption

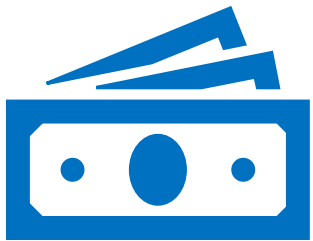
Divided by 1000

Multiplied by Tax Rate



Property Taxes

Property Taxes and the BAR



- Equitable assessments aim to fairly distribute the property tax burden
- Lowering Assessments doesn't lower or eliminate the tax, only shifts the burden to other taxpayers
- Property owners can only grieve their assessments, not their tax amount
- But BAR can rule on whether an exemption was improperly denied

Valuation Date	July 1 st (of last year)
Taxable Status Date Exemption Filing Deadline	March 1st
Tentative Roll Filed	May 1st
Grievance Day Varies in towns with shared Assessor	4 th Tuesday in May
Final Roll Filed	July 1st

Key Dates in the Assessment Process

Introduction

Review

1. All real property is assessed
2. Assessor determines market values
3. Assessment is based on market value
4. Taxing jurisdictions impose taxes
5. Assessments determine share of taxes by parcel
6. BAR can only rule on assessments NOT taxes

The Board of Assessment Review

OR HOW I LEARNED THE REASON I'M STUCK HERE THIS EVENING

Composition of the Board

History



Independent boards of assessment review were first authorized by NYS October 1st, 1971, with the passage of the “Assessment Improvement Law”

- Legislative intent was to allow taxpayers a due process right to be heard by their peers
- Tax law previously still allowed assessments to be “grieved” but only in court
- Effectively created an inexpensive avenue for taxpayers to ensure their “improved” assessments were fair and equitable

Composition of the Board



**BAR is made up of
3 to 5 members**



**Assessor or
assessor's staff
may not serve on
the BAR**



**Members of
conflicting offices
may not serve on
the BAR**

Generally: local
government officers
involved in the
assessment or taxation
of real property

Mayor/supervisor, city
council/town
board, village
trustees, county
legislators, etc.



**Majority of BAR
members may not
be officers or
employees of the
municipality**

For a 3/4-member BAR:
1 or less

For a 5-member BAR: 2
or less



**Each BAR elects
their own
chairperson
annually**

Chair holds order and
directs the meeting

Primary contact person
for the BAR



**Temporary
members may be
appointed to serve
a 1-year term**

Cannot outnumber
standard term members

Composition of the Board

Terms of Office



Appointed by local legislative body

- City Council or Town Board
- Optional RPTL 1537: allows county to form county-level BAR to serve locally under inter-municipal agreement

Members serve 5-year staggered terms

- Terms begin October 1st and end September 30th 5 years later
- Training required upon every appointment
- Optional RPTL 523-a: allows appointment of a temporary member for 1-year term

Qualifications



Knowledge of
property values



18 years old



U.S. citizen



Resident of the
municipality



Must take and file
an oath of office
with town clerk

Composition of the Board

Role of the BAR



- Review evidence presented to determine if assessed value is correct or not
 - Lower Assessments or leave unchanged
- Quasi-judicial body where each member should
 - possess judicial temperament
 - provide a fair hearing
 - safeguard due process of law
 - withdraw from a case if disqualified based on personal interest
- Exercise sound judgment
 - be impartial
 - be objective
 - state reason for making determinations

Training and Certification

New BAR appointees and re-appointees **must** attend this class to participate at Grievance Hearings

NYS Educational Services can grant temporary extension of training requirement with good cause

- Extension request must be in writing and must be sent 2 weeks prior to grievance day

Certificate of Attendance provided by County Director

If training is not attended and extension is not granted: assessing unit will be notified and member **cannot** serve on the BAR and hear or rule on assessment complaints

Disclosures

BAR members **must** file a disclosure form for any property in which the Board member has a direct or indirect financial interest

- Form RP-523
- Intentional failure to disclose such interest may result in a civil fine for each omission (up to \$1,000)

Recusal from proceedings in any such case is also required under opinion of the NYS Attorney general

Recusal when board member's spouse or other immediate family has a financial interest is also appropriate

Grievance Day Preparation



Organizational meeting

BAR selects its own chairperson

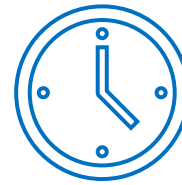


Chairperson's role

Facilitate the meeting

Keep order

Administer oaths



BAR plans

Time and place for hearings

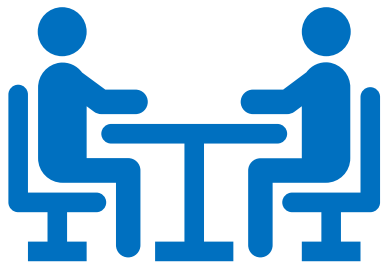
Administrative tasks

Minutes

Second Meetings

Grievance Day Preparation

Informational Meeting with Assessor



Invite the Assessor to discuss:

- Tentative assessment roll
- Assessor's techniques and methods for valuation
- Changes in law, new information
- Volume of complaints to expect

Specific parcels should not be discussed

Preparation and Supplies

- Sufficient supply of forms, pens, and other clerical supplies
 - Form RP-524 complaint form
 - Form RP-525 notification of determination
- Prepared space for hearings: room unlocked, chairs set up, etc
- Audio/visual equipment tested and working, especially if meeting is being recorded in lieu of minutes being taken
- **All members know the date, time, and location of grievance**
 - A quorum (majority of members) must be present to hold hearings, members should not schedule events or vacations the day of grievance hearings

The Board of Assessment Review

Review

1. Every municipality has a BAR
2. 3-5 members serving staggered terms
3. Trained and certified by County/NYS
4. Disclose any financial interest in real property being complained on
5. Chairperson elected by BAR members annually
6. Informal meeting with Assessor
7. Prepared for Grievance Day

The Grievance Hearing

OR HOW I LEARNED THE OPTIMAL WAY TO LET EVERYONE AIR
THEIR GRIEVANCES BEFORE I GO HOME AND AIR MY OWN

The Grievance Hearing

Grievance Day



4th Tuesday in May

- Or other date as set by local law or resolution

Must be at least 4 hours long between 9:00AM and 10:00PM

- At least 2 hours must be after 6:00PM
- All 4 hours need not be consecutive

May hold an additional meeting at a later date (adjourned hearing)

- Not to be confused with the Second Meeting

Grievance hearings must be held in compliance with open meetings law (Public Officers Law, Article 7)

- Accessible, open to public
- Adequate space for the hearing

Grounds for Complaints

Filing a Grievance



Grievance **may** be filed before grievance day

- With Assessor or BAR
- In person or by mail
- If by mail: must be in the hands of BAR on grievance day
- Cannot be considered if filed or received after grievance day

Grievance **may** be filed any time on grievance day

Grievance may **not** be filed after BAR concludes its grievance day hearings

Grounds for Complaints

Complaint Form



All grievance complaints must be filed on prescribed form

- [RP-524](#)

Form must be **completely filled out** by eligible petitioner

- Not the BAR's job to "fill in the blanks"

The complaint form **must** include:

- Assessed value of property
- Owner's estimate of value (reduction)
- Grounds for complaint
- **Signed certification**

Grounds for Complaints

Stipulation

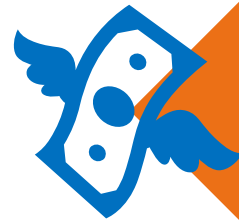


- RP-524 Part 6
- Assessor and Complainant have agreed on a new assessed value
 - Must be **signed** by both the Assessor and Complainant
- BAR's role for stipulations is only to **ratify** change, no further judicial review is necessary
 - No notice of determination needs to be sent for stipulations (owner already aware assessed will be changed)

4 Grounds for Complaint



Unequal



Excessive



Unlawful



Misclassified

Unequal Assessment



- A. The **assessed** value of real property is at a higher percentage of value than other property on the assessment roll
- B. A **residential** (1, 2 or 3-family) home is assessed at a higher proportion than other residential property

Unequal Assessment

Must
Provide
and
Should
Prove

1. What level other property is assessed at
 - a) LOA from Tentative Roll
 - b) Latest Residential Assessment Ratio (RAR) for 1, 2, 3-family homes
2. What they believe the full value of the property is
3. What the assessed value should be (full value x LOA or RAR)

Excessive Assessment



- A. The **assessed** value of real property exceeds the **full** value of real property
- B. The real property failed to receive all or a portion of a partial **exemption** to which the real property or owner is entitled. (RPTL §522)

Excessive Assessment

Must
Provide
and
Should
Prove

1. Assessed value of the property (on tentative roll)
2. What they believe full value to be
3. For exemptions:
 - a) What exemption applied for
 - b) Amount of exemption claimed
 - c) Amount of exemption granted (if any)
 - d) Evidence application was filed by Taxable Status (March 1st)

Unlawful Assessment



- A. Property is **wholly exempt** (roll section 8)
- B. Property is **entirely outside** the boundaries of the city/town/village/district it's being assessed in
- C. Property was assessed and value was entered onto the roll by person **without** the **authority** to do so
- D. Parcel **cannot** be identified using the description or tax map identification on the tentative roll
- E. Assessment exceeds the certified final value as given by State Office of Real Property Tax Services (roll section 5)

Unlawful Assessment

Must
Provide
and
Should
Prove

1. Sufficient evidence to support their claim of an unlawful assessment

Misclassification



- A. Property is assessed in the wrong class
- B. Only for approved assessing units that designate Homestead vs. Non-homestead classes of properties (**no municipalities in Oswego County have this designation**)

BAR's Powers at Hearings

Administer oaths

Take testimony

Hear proofs

Require personal appearances

Require more information

Determine the final assessment and
give reasons

Hearing Procedures

Attendance and Quorum

1. BAR must have a quorum (**majority** of members present) to hold hearings
2. Assessor (or designated staff) is allowed to be present and heard at all public hearings
3. Complainant does not need to be present for BAR to rule on complaint, unless BAR requires personal appearance

Hearing Procedures

Seating
Arrange-
ments



1. Open and accessible to the public
2. Separate from other business
3. Provide separation between BAR, Assessor, and Complainant

Hearing Procedures

Quasi-judicial Proceeding

The Board of Assessment Review is a function of the **judicial** branch of government

- In a courtroom, the **BAR** would be the **Judge and Jury**
- Members should possess and display judicial temperament
- Taxpayers have a right to a fair hearing and chance to let themselves be heard

Presumption is that the Assessment is **correct** unless proven otherwise

- In a courtroom, the **Assessor** would be the **Defendant**

Complainant's role is to **prove** the Assessment is **incorrect** with evidence

- In a courtroom, the **Taxpayer** would be the **Prosecutor**

Steps to Follow When Hearing Complaints

1. Administer an oath to Taxpayer before beginning
2. Review RP-524
3. Allow Taxpayer to provide testimony and evidence for all grounds selected on RP-524, or review provided evidence if taxpayer is not present
4. Allow Assessor to respond and provide counter testimony and evidence to support assessment
5. If necessary, request additional evidence from Taxpayer or Assessor
6. Take ample notes and minutes on each case to remember details for later deliberation
7. No decision is made during the public hearing, all decisions are rendered in executive session once public hearings have concluded

Hearing Procedures

Minutes

- Minutes must be taken on all events that occur during the public hearing
- Minutes are filed with the City or Town Clerk
- Minutes are a public record and can be FOILED
- Once hearings conclude the BAR moves into executive session

Executive Session

- No longer a public hearing
- Minutes no longer necessary, but votes are still public record

Hearing Procedures

Corrections of Errors



- Once Tentative Roll was filed May 1st, Assessor no longer has any power to change assessments
- BAR can change assessments for **specific** errors
- **Assessor** may file [RP-552](#) on Grievance Day with the BAR to correct any errors he or she has discovered on the roll
- Like Stipulations, BAR's role is to ratify corrections **unless** owner comes to grieve the correction

Burden of Proof

Who has
the right to
file a
complaint?

A person may file a grievance only if he/she is “the person whose property is assessed” (RPTL 524) while judicial review may be filed by any “aggrieved party” (RPTL §704).

These statutes do not define either term, but courts have held that a person is aggrieved of the assessment if his/her “pecuniary interests are or may be adversely affected.” *Mack v. Town of Ramapo*, 72 A.D.2d 604, 421 N.Y.S.2d 109 (2d Dept. 1979).

The courts have also held that both terms have been used interchangeably in the history of tax law and “it is clear that it was not the legislature's intent to limit the meaning of ‘person whose property is assessed’ to [only] owners of real property.” *DCH Auto v. Town of Mamaroneck*, 2022 N.Y. Slip Op. 3929, (N.Y. 2022)

Burden of Proof

Who has
the right to
file a
complaint?

1. Does a tenant have the right to file a complaint on property he/she does not own?
2. Does a land contract vendee have the right to file grievance?
3. Does a potential purchaser have the right to file grievance?

Burden of Proof

What is on
“trial” at
Grievance?

- Presumption under the law is that the assessor has done their job properly and assessed correctly
- Burden of Proof is on the complainant to overcome this presumption

What evidence
can be
provided?

- Any substantial evidence that convincingly proves the assessor’s judgement was incorrect
- If there is lack of evidence or proof to support this belief, then assessment is correct and must be upheld

Information to Support Full Value



Purchase price



Offering price



Professional
appraisal



Cost of
construction



Rental income
and expense
information



Purchase prices
of comparable
properties

Burden of Proof

What is “Substantial Evidence”

- It is “sound theory and objective data”
- It is not “wishful thinking,” “bare surmise, conjecture, speculation or rumor.”

FMC Corp v. Unmack, 92 N.Y.2d at 188, 677 N.Y.S.2d at 273 (1998).

BAR’s Responsibility
When Presented
with Substantial
Evidence

- Presumption of validity in the assessment disappears and BAR must weigh the evidence as to the property's fair market value

Weighing the Evidence

BAR's primary duty is to decide whether the assessment in question is proper and equitable.

Has the
owner...

- filed in timely manner?
- clearly stated facts as basis of complaint?
- presented sufficiently detailed evidence to support claim?

Has the
Assessor...

- presented facts or evidence to explain the basis of assessment if substantial evidence has called their assessment into question?

If you need more evidence to make a decision you can request it.

Weighing the Evidence

"It is for the Board, not the taxpayer, to determine what information is material to the proceeding. While the proceeding may appear inquisitional to the taxpayer, the boundaries of the inquiry are broad and if the questions are reasonably necessary and material to determining issues of tax exposure or assessed value for the property, they are proper. Considering 'that natural tendency of human nature to make the best showing for his own side, and especially and remarkable force of that tendency when one applies to have his taxes reduced', the Board is not limited to the information which the taxpayer himself decides is material and he is answerable for his refusal [...]" *Grossman v. Board of Trustees*, 44 A.D.2d 259, 354 N.Y.S.2d 188 (4th Dept. 1974) (citations omitted).

Grounds for Dismissal

Willful Neglect

- A Complainant who exhibits willful neglect or non-cooperation can have their complaint **dismissed** by the BAR
- Dismissal can prevent complainant from continuing judicial review of the assessment

Examples

1. The taxpayer is notified that their grievance form is incomplete or lacks information, but fails to correct it
2. The BAR makes a reasonable request for documents or information and the taxpayer refuses or fails to supply it
3. The taxpayer/representative fails to appear at hearing after sufficient notice is sent.

Adjourned Hearing Date(s)

The Grievance Hearings may need to be adjourned and picked up at a later date for some specific circumstances:

1. Assessor may request in order to prepare defense of assessment if complaint is received 3 or fewer business days before Grievance Day
2. BAR has requested more information from a complainant
3. BAR has requested a complainant to personally appear before them
4. A non-resident has asked, in writing, for an adjourned hearing date to consider their grievance (RPTL §508)
5. There are too many complaints to hear in the time allotted for Grievance Day

The Grievance Hearing

Review

1. Grievance Day is 4th Tuesday in May (or other date set by local law)
2. Meeting is public, minutes taken and filed
3. All complaints must be made by eligible “aggrieved party”
4. All complaints must be on RP-524
5. 4 grounds for complaint: Unequal, Excessive, Unlawful, Misclassification
6. Assessment presumed correct unless proven otherwise
7. Complainant must prove all grounds with “substantial evidence”
8. Adjourned hearing(s) may need to be held

Determinations and Best Practices

OR HOW I LEARNED TO STOP WORRYING AND LOVE THE BAR

Steps to Follow Once Hearings Conclude

1. Move BAR into executive session (non-public hearing)
2. Review each complaint and vote whether to:
 - a) Reduce Assessment to an amount not lower than what was claimed on RP-524
 - b) Leave Assessment unchanged
3. Record vote on RP-524 and RP-525 (Notice of Determination)
4. Send completed RP-525 to Complainant
5. Record change onto Verified List of Changes

Notice of Determination

- Form [RP-525](#) completed by BAR and mailed to Complainant
- Does not need to be sent if reduction is because of Stipulation
- Must be filled out with enough detail so petitioner knows why assessment was or was not reduced

Verified List of Changes

- Majority of BAR members complete, verify, and certify a single list of all changes to be made to the Tentative roll
 - Verified list must be notarized
- Verified list is delivered to Assessor and County Director and becomes part of Final Assessment Roll
- List should include all stipulations, corrections, and grievances filed (even if no reduction was made)

VERIFIED STATEMENT OF CHANGES DETERMINED BY THE BOARD OF ASSESSMENT REVIEW

2023 **SIGNATURE PAGE**
(Year)

Page: 1
Of: 2
OSWEGO COUNTY
FORM 1

MUNICIPALITY: Example SWIS: 350000

Now, therefore, the Board of Assessment Review hereby orders the Assessor to make the changes in assessments as determined by the Board of Assessment Review on the assessment roll of the above referenced town, for the year above stated, in conformance with this order.

STATE OF NEW YORK
COUNTY OF OSWEGO
CITY, TOWN or VILLAGE OF Example

The undersigned, being duly sworn do severally depose and say that deponents are members of the Board of Assessment Review, that deponents have read the forgoing and know the contents thereof; and the matters set forth are true to the best of the deponents knowledge.

Sworn to before me this 23 day of
May, 20 23

[Signature]
Commissioner of Deeds / Notary Public / Town Justice

Chairman) [Signature]
2) [Signature]
3) [Signature]
4) [Signature]
5) [Signature]

Date of Fall BAR Meeting
8/10/2023
(20-90 days before School Taxes)

Date of Winter BAR Meeting
12/10/2023
(20-90 days before County Taxes)

Date of Spring BAR Meeting

(20-90 days before City/Village Taxes)
*Only for Cities and Villages

I hereby certify that the changes in assessments ordered by the Board of Assessment Review have been entered on the assessment roll:

Sworn to before me this _____ day of
_____, 20 ____

Commissioner of Deeds / Notary Public / Town Justice

ASSESSOR(S) SIGNATURE

Sole Assessor

* * * FORM 2 * * *

VERIFIED STATEMENT OF CHANGES DETERMINED BY THE BOARD OF ASSESSMENT REVIEW

2023 **ASSESSMENT CHANGES**
 (Roll Year)

MUNICIPALITY: Example

SWIS: 350000

Page: 2
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 OSWEGO COUNTY
 FORM 2

[Use Multiple Sheets If Necessary]

	Name of Owner (Appearing On Roll)	Tax Map Number	Assessed Value		COE or Stipulation		Exemption Changes (If Any)	
			Tentative Assessment Total	BAR Determined Total	Check if COE (RP-552)	Check if Stip	Exemption Code	Exempt Amt or %
1	Colin Mochrie	123.45-67-01	\$125,000	\$100,000				
2	Ryan Styles	123.45-67-02	\$40,000	\$35,000				
3	Wayne Brady	123.45-67-03	\$670,000	\$665,000		✓		
4	Greg Proops	123.45-67-04	\$250,000	\$250,000			41730	\$26,817
5	Laura Hall	123.45-67-05	\$117,000	\$117,000				
6	Linda Taylor	123.45-67-06	\$32,000	\$30,000				
7								
8								
9								
10								
11								
12								
13								
14								

Second Meeting(s)

What is the Second Meeting?



- After changes are applied the Tentative Assessment roll it becomes the Final Assessment roll
- Final Roll is filed July 1st
- Like Tentative - Assessor has no legal authority to change anything on the Final roll and only the BAR may order changes to it
- All changes ratified at a Second Meeting of the BAR are made pursuant to corrections of errors law (RPTL, § 553)

Second Meeting(s)

- The law states a “Second Meeting” of the BAR must be held between July 15th and not less than 20 days prior nor more than 90 days prior to **any** tax levy (the closer the better)
- You need to hold a meeting prior to each tax bill:

First “Second Meeting”: Fall

20 - 90 days before School Taxes

Typically: After July 15th and before August 11th

Second “Second Meeting”: Winter

20 - 90 days before County Taxes

Typically: After October 2nd and before December 11th

Third “Second Meeting”: Spring*

20 - 90 days before City/Village Taxes

Oswego City: After December 15th and before February 23rd

Phoenix: After November 17th and before January 26th

Other Villages: After February 14th and before April 25th

***only Villages and Oswego City**

Second Meeting(s)

Does the BAR need to meet if there are no corrections?

- No, a Second Meeting only takes place if the BAR has any RP-553, RP-554, or RP-556 corrections to ratify.
 - RP-553: Correction to Final Roll
 - RP-554: Correction to Tax Roll
 - RP-556: Refund/Credit of Taxes

Does the BAR have different powers at a Second Meeting?

- The BAR has the same powers and duties at a second meeting as it has with respect to grievance day except that they are **only** meeting to act on corrections
- BAR files a verified list of changes with the tax levying body within 5 days of meeting and sends a copy to the Assessor

Subsequent Complaint Routes

Small Claims Assessment Review (SCAR)

For any subsequent judicial review of assessments, the aggrieved party **must** have filed their grievance with BAR **first**

- Homeowners that **own and occupy** a 1, 2, or 3-family home may file for assessment review with an assigned hearing officer
 - Inexpensive option that does not require an attorney
-

Article 7 (Tax Certiorari)

- A lawsuit in Supreme Court concerning the assessment that follows the provisions of Article 7 of Real Property Tax Law
- **Any** type of property qualifies for this route, but is the **only** option for property that is not improved with a 1, 2, or 3-family residence
- **Homeowners are advised against attempting this process without legal counsel**

Subsequent Complaint Routes

Because everyone starts with BAR you may receive complaints well above your pay grade. The BAR may rule on any assessment complaint except:

1. Special Franchise Assessments (Roll Section 5)
2. Solar farms in excess of 1 megawatt (RPTL §575-b) unless challenging solar model appraisal inputs

If the BAR feels unqualified to make a determination given the evidence presented, they have the option of employing experts to advise on the manner, or they may leave the assessment unchanged and allow the complaint to move on to the next stage of judicial review.

Best Practices

Verify Assessed Values are Correct

- RP-524 is notorious for being filled in wrong
- BAR should rely on Assessor, copy of the Assessment Roll, or [Online Database](#) to verify assessed value from form is correct
- For claims of Unequal Assessment – check the math to make sure full market value has been correctly multiplied against the current LOA

Best Practices

BAR Grievance Sets the Stage for Article 7

- Article 7 of Real Property Tax Law defines the procedure for complaints on assessment beyond the BAR
- Complainants who seek further reduction in the assessment beyond BAR cannot claim different grounds or greater reduction than what was entered onto the RP-524
- Complaints dismissed under “willful neglect” could be thrown out under Article 7 proceedings in the future

Best Practices

Willful Neglect (Again)



- Tread lightly with dismissing claims without giving all parties involved ample opportunity to correct defects
- Remember, the BAR exists to ensure the accuracy and equity of assessments, not to be an adversarial proceeding
- The courts have held that there must be “proof that noncompliance was occasioned by a desire to frustrate administrative review”. (Fifth Avenue Office Center v. Mount Vernon, 89 N.Y.2d 735, 658 N.Y.S.2d 217 (1997)).
- During discovery in an article 7 proceeding the court or attorneys involved could obtain from the BAR evidence of the non-compliance, so its imperative to keep good records

Best Practices

Exemptions



Exemption complaints boil down to 2 basic issues:

1. Does the taxpayer **qualify** for the exemption?
 - It is presumed that all property is taxable unless a taxpayer comes forth with adequate information indicating he or she qualifies for property tax exemption under an applicable statute.
2. Did the taxpayer submit the proper application and supporting information by **taxable status date** (March 1st)?
 - **No exemption is automatic for privately owned property!** The proper form and documents must be in the hands of the assessor by the deadline.
 - Most exemptions have ownership, income, and/or residency components
 - Taxpayer must submit proof they met all requirements as of taxable status date to prove eligibility.

Valuation Concerns

- **Comparable sales** are preferred for non-income producing improved properties
- Ultimate purpose of valuation is to arrive at a fair and **realistic** market value of the properties involved
- This value should reflect “economic realities”

(G.R.F. Inc. v. Board of Assessors, 41 N.Y.2d 512, 393 N.Y.S.2d 965 (1977))

- A **recent sale** of the property is considered "evidence of the highest rank to determine the true value of the property as of that time”

(Plaza Hotel Associates v. Wellington Associates, Inc. 37 N.Y.2d 273, 372 N.Y.S.2d 35 (1975))

- Comparable sales subject to high adjustments are **not** reliable indicators of value and are properly rejected by the trial court where warranted.

Troy v. Kusala, 227 A.D.2d 736, 642 N.Y.S.2d 736 (3d Dep’t 1996); Xerox v. Ross, 71 A.D.2d 84, 421 N.Y.S.2d 475 (4th Dept. 1979) lv denied 49 N.Y.2d 702

Frequently Asked Questions

How accurate are appraisals?

Appraisals are presumably one of the best sources of information concerning an opinion of value for a specific property. That said, take note of some things concerning appraisals before considering them too highly:

1. There are multiple “types” of appraisals, including those specifically designed to “fight tax assessments.”
2. An appraisal will say what its “intended users” are – typically the person who ordered the appraisal (such as a bank), which limits the scope of how it should be used.
3. The appraisal will list which comparable properties were used in determining value and which one was selected, pay close attention to any adjustments made to the sales prices of comparables.
4. The appraisal was done as of a specific date, make sure this date is relevant to the assessment of the property (remember, the assessment roll’s valuation date is July 1st of the previous year)

Remember, the BAR is not expected to appraise every property brought before it – only to consider the evidence brought before the Board and to decide on whether to reduce the assessment or leave it unchanged.

Frequently Asked Questions

Does the
BAR need
to rule on
every
complaint?

Yes, the BAR must rule on every complaint brought before them, but realistically you are going to be presented with assessment issues well above your pay grade.

If you ever feel, as a body, that you are not qualified to rule on a particular issue, you may always determine the assessment “remain unchanged” and send the complaint on to the next step in the assessment review process.

Remember, you are everybody's first step to administrative review of assessments, you are nobody's final step.

Frequently Asked Questions

Are land
locked
parcels
assessed?

Yes, all land is assessed. “Land-locked” land is generally defined as land that has no direct access to a public right-of-way, meaning it does not touch a roadway, nor does it have an obvious driveway or easement access across another neighboring piece of land.

Just because land has no access now does not mean that it couldn’t obtain access in the future. The court could be appealed to grant an easement of necessity to the land, or the land could be sold to an adjoining owner.

The case could certainly be made that the value is impacted by being land-locked, but it does not automatically make the land “worthless.”

Determinations and Best Practices

Review

1. Voting on complaints is done in executive session, but votes are recorded
2. BAR sends complainant notice of determination (RP-525)
3. Majority of BAR verifies list of changes and sends to Assessor and County Director
4. BAR should plan dates to hold Second Meetings
5. BAR only needs to hold Second Meetings if corrections to final roll are necessary
6. Article 7 proceedings exist as a subsequent complaint route

More Information

New York State Tax and Finance

<https://www.tax.ny.gov/>

Oswego County Department of Real Property Tax Services

<https://oswegocounty.com/RPTS>

<https://oswegocounty.com/BAR>

Questions?

