

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. (a) Assessed Valuation less than \$150,000	\$ 5.00
\$ 150,000 or more, but less than \$ 500,000	\$ 25.00
\$ 500,000 or more, but less than \$1,000,000	\$ 100.00
\$ 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 or 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
- 2 -Residential
- 3A -Farm (Regular)
- 3B -Farm (Qualified)
- 4A -Commercial
- 4B -Industrial
- 4C -Apartments (5 or more families)
- 6A-Personal Property (Telephone)
- 6B -Machinery, Apparatus or Equipment of Petroleum Refineries
- 15A -Public School Property
- 15B -Other School Property
- 15C -Public Property
- 15D -Church Charitable Property
- 15E -Cemeteries and Graveyards
- 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.

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 shall require appraiser and taxpayer 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 appear 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

As per N.J.S.A. 54:3-26, if no further appeal is taken to the Tax Court the judgment of the county board is “frozen”, i.e., conclusive and binding on the assessor and taxing district for the assessment year and for the next two succeeding years, unless there are significant changes in property value via added assessment, municipal wide revaluation, etc. The property owner may end the “freeze” by filing another appeal.