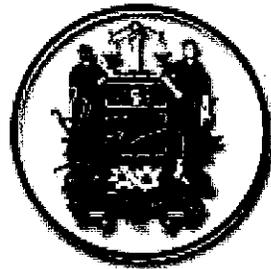


Montgomery County Board of Assessment Appeals

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Introduction

Greetings,

Enclosed are a series of frequently asked questions that may assist you in deciding whether to appeal your property assessment.

Before we begin, however, there are a couple of points we should stress. The Board of Assessments does not set your school, local, or county taxes. That is solely the function of your school board directors, municipal commissioners or councilors, and the county commissioners. The Board of Assessments sole responsibility is to establish an assessed value of your property upon which your local governing authorities will base their tax rates. Whether your taxes are high or low is not the function of the Board of Assessments and regrettably the Board cannot help you in that regard. However, you do have the right to appeal to the Board the assessed value of your property if you believe it to be unfairly assessed.

The criteria for deciding your appeal is set by Pennsylvania statutes with little room for discretion. The principal factor in deciding appeals, according to law, is the current fair market value of your property at the time of the appeal. That value, once determined, is then translated by the Board into an assessed value for your property. The process by which that is done comes from the state, which provides a formula that calculates fair market value into assessed value. This is called the Common Level Ratio or CLR. That formula, which is based on general market value of properties throughout the county, changes every year.

The CLR may change from year to year depending upon the prevailing ratio of assessments to sales price as determined by the state.

Also, the Board is not allowed to vary from the process. For example, the Board cannot consider a comparison of your assessment or your taxes to the assessments or the taxes of your neighbors. Nor is the Board allowed to make "spot assessments". That is, the Board cannot chose on its own to adjust the assessment of a property holder unless that property holder is before the Board on appeal.

Frequently Asked Questions

1. What is a property Assessment?

An assessment is a percentage of the market value of your property. The assessment is the foundation which the taxing authorities use to determine the amount of real estate taxes owed based on their tax rates.

2. Who actually sets my assessment?

State licensed assessors employed by Montgomery County that hold the designation of Certified Pennsylvania Evaluator (CPE).

3. What is the County Board of Assessment Appeals?

All Counties within the Commonwealth of Pennsylvania have a Board of Assessment Appeals office which has the responsibility to administer assessments. The Board is an independent agency appointed by the County Commissioners. The Board was specially created by the Pennsylvania Legislature to assess all real estate in the County for the taxing districts. The Department has the authority to make all assessments of real property for taxation purposes. One of the Board's duties is hearing assessment appeals.

4. What is meant by “uniform” assessment rate?

A “uniform” assessment rate means that all properties in the County, whether residential, commercial or industrial, will be assessed by the department at the same ratio to market value. Currently, all assessments are set at 100% of 1996 base year value.

5. What is “Market Value”?

Market Value has been defined by the State Supreme Court as “the price in a competitive market a purchaser, willing but not obligated to buy, would pay an owner, willing but not obligated to sell, taking into consideration all the legal uses to which the property can be adapted and might reasonably be applied”

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

Yes, but it does not dictate a change in assessment.

Uniformity of treatment requires that value adjustments not be made simply due to a recent sales price. The subject property’s sales price may not necessarily be conclusive evidence of true market value, (e.g. foreclosure or estate sales), which may prohibit the sale from being considered arms length. Properties purchased years ago are not reflective of what properties are worth today.

7. What is the difference between an assessment and taxes?

The assessment is the basis used by the County, boroughs, townships and school districts to levy taxes by multiplying the millage rate of the taxing authority times the assessment. The taxes are the actual dollar amount paid by an individual.

MARKET VALUE X ASSESSMENT RATIO = ASSESSMENT

ASSESSMENT X MILLAGE RATE = TAXES

The assessor's office has nothing to do with the total amount of taxes collected. The assessor's primary responsibility is to determine the fair market value of your property, so that you may pay only your fair share of the taxes. The amount of tax you pay is determined by a TAX RATE applied to your property's ASSESSED VALUE. The tax rate is determined by all the taxing districts and depends on what is needed to provide all the services you enjoy.

8. How do I appeal my assessment?

In appealing your assessment the first step is simply completing an assessment appeal form.

Appeal forms are available several different ways:

1. Online at www.montcopa.org - Go to departments/ County Administration/ click on Board of Assessment Appeals.

2. Contact our office at 610-278-3761
Office hours are 8:30 a.m. - 4:15 p.m.

3. You may pick up a form at the Montgomery County Board of Assessment Appeals Office in Norristown, located at One Montgomery Plaza, 3rd floor, Suite 301 425 Swede & Airy Streets.

Deadline for filing an annual appeal is August 1 to be effective for the following tax year.

Filing Fees:

This is a **non-refundable** processing fee.

Check or money order made payable to: Montgomery County Treasurer for each application.

Single Family Residential or Individually Owned Condominium (excluding apartments) - fifty (\$50.00)

Residential (multi-family) (duplexes) - one hundred dollars (\$100.00)

Commercial and Industrial - two hundred dollars (\$200.00)

Preferentially Assessed Properties (Act 319, Act 515) - fifty dollars (\$50.00)

Exemptions - two hundred dollars (\$200.00)

There are two different types of appeals:

1. **Annual** - You have the right to appeal your assessment once a year. The deadline for filing is August 1 to be effective for the following year. All annual appeals must be heard by October 31.

2. **Interim** - Appeals must be filed within 40 days of the mailing date stated on the assessment change notice.

It is important that the appeal form be completed accurately, indicating the location of the property appealed, the parcel number (the parcel number may appear as the account number on your tax bill), list any unavailable dates, include your daytime telephone number in case we have any questions, **your opinion of market value**, and the name and address to which the notice of the hearing should be mailed. Make sure you have signed the appeal form. A separate form must be used for each property and parcel number being appealed.

9. What happens after I file an assessment appeal?

The Board of Assessment Appeals office will set a hearing date and notify you and the appropriate taxing authorities, by first-class mail at least twenty (20) days prior to the hearing date. Our office starts to schedule annual hearings in May.

10. What happens at the assessment appeal hearing?

The Board presides over the hearing. At the hearing the burden of proof rests with the appellant. A property owner should introduce evidence of the market value of the property appealed. This can be done by presenting an appraisal or evidence of current actual sales of similar homes. You may also appeal an assessment on the basis of uniformity by presenting recent sales of comparable properties but a **comparison of assessments alone is not sufficient**. You must present documentation at the hearing that proves these recently-sold properties are similar in style, size, location and amenities. Bringing pictures to the hearing would be very helpful in proving comparability. When an appeal is filed an assessment may be increased, decreased or may stay the same.

11. What is good evidence to convince the Board to reconsider a new value of my home?

As the appellant the burden is on you to prove that your assessment is in error, unreasonable, excessive, or discriminatory. You must suggest a more appropriate value by showing the Board the current market value of the property. The most credible evidence is an appraisal followed by recent comparable sales of other properties of a similar type in your neighborhood.

A property owner can prove the value of their home by doing one of the following:

1. Hire an appraiser to appraise the property that is the subject of the appeal.
2. Use comparable sales. When using comparable sales, a listing of 3 to 5 recent sales should be attached to your appeal at the time of filing. Comparable means that most of the characteristics of your property and the neighboring properties sold are similar. Be able to give full property descriptions and be knowledgeable of the conditions of the cited sales. Some characteristics that would make a property comparable are: similar exterior square footage, similar lot size or acreage, amenities, proximity to your property, the same zoning use (e.g. duplex in a duplex zone), similar age, construction, and style of structure.
3. You may appeal your assessment on the basis of today's market value and the applicable ratio.

The law provides that the State Equalization Board is to determine the prevailing ratio for every county in Pennsylvania of assessment to fair market value for all valid sales. This is known as the Common Level Ratio. (CLR).

The new CLR is given every July 1st.

ASSESSMENT ÷ CLR = INDICATED MARKET VALUE

Note: The CLR only applies on appeal. Also, it does not mean an automatic reduction.

12. Who may represent a property owner?

A property owner must either represent himself or hire an attorney to represent him at the hearing. An exception to this rule applies to those who are physically unable to be present in person at the hearing. We will make every effort to accommodate the special needs of any property owner who wants to appeal their assessment. If the owner is unable to appear because of illness, infirmity (advanced age), or disability, we may be able to schedule a phone appeal or the owner may have a neighbor or relative appear on their behalf. However, an original power of attorney notarized by the property owner must be presented to the Board at the time of the hearing. Tax Representatives, Realtors and Financial Advisors will not be permitted to act as legal representatives of the aggrieved party. Anyone may appear as a witness regarding the value of the subject property but must be accompanied by the property owner or the owner's attorney.

13. Are there special rules for corporations or an LLC etc.?

Yes, A corporation must be represented by an attorney licensed to practice law in Pennsylvania. Corporations must be represented by an attorney because they are not natural persons and therefore may not represent themselves. In all cases in which an Association or partnership, LLC is the appellant, a principal or duly authorized officer must be present at the hearing and must provide ownership papers prior to your scheduled hearing.

14. What happens if I am unable to attend my scheduled hearing date?

No verbal re-scheduling is permitted. A re-scheduling request may be telephoned into our office but must be confirmed in writing, either faxed (610-278-3560), e-mailed (boahelp@montcopa.org), or mailed (County of Montgomery, Board of Assessment Appeals, Court House, P.O. Box 311, Norristown, PA 19404-0311) to our office. Only upon receipt of the written request will the request for re-scheduling be considered.

It is the responsibility of the property owner to notify the taxing authorities of the re-scheduling.

If our office does not receive written confirmation regarding the re-scheduling of the appeal by the time the originally scheduled result notices are being mailed, you will receive a notice of "failure to appear". You will not be re-scheduled and must wait until the next year to file.

15. What happens if I decide not to go through with the appeal?

You may withdraw your appeal up to and including the day of the hearing but must do so in writing which may be faxed. Regardless, the processing fee is non-refundable.

16. What happens after the assessment appeal hearing?

The Board will consider all evidence presented by all parties at the hearing. As a result of the hearing the assessment may be raised, remain the same, or be lowered. No one should assume that by filing an appeal, a reduction will be automatically granted. Usually within thirty (30) days, a written notice of the decision of the Board is sent by first-class mail to the property owner and taxing authorities. The Board does not notify mortgage companies of the result of the hearing nor does the Board notify third parties except an attorney who filed the appeal on your behalf.

17. What happens if I don't agree with the Board's decision?

The property owner and taxing authorities have thirty (30) days from the mailing date on the notice of the Board's decision to file a Petition with the Court of Common Pleas of Montgomery County. The Board of Assessment Appeals nor the Prothonotary may offer advice or instruction on how to proceed with an appeal. If you are not represented by counsel, you can research court rules and procedures at the Law Library located on the Lower Plaza Level of the County Court house. The telephone number for the library is 610-278-3806. Or, you may contact the Montgomery Bar Association Lawyer Referral Service to obtain a referral to an attorney qualified to handle an assessment appeal. Their telephone number is 610-279-9660, ext. 201, or you may request a referral online at <http://www.montgomerybar.org>

18. Are there programs available for those who have hardship cases?

There are programs available for disabled veterans and senior citizens. To receive information with regard to disabled veterans, please contact Veterans Affairs at 610-278-3285. To receive information with regard to senior citizens, there are property tax rebate forms that are available through the Pennsylvania Department of Revenue at 610-270-1780 or by contacting Aging and Adult Services at 610-278-3601.

19. Whom do I contact if I need information regarding tax information, tax rates and tax dollars?

Contact the local tax collector in your township, borough, or school district.

Summary:

A taxpayer filing an appeal should consider the following questions.

1. If you were to list your property today on the open market, what would be your asking price?
2. Can I support my opinion of market value with credible evidence?

Remember

You are not comparing your neighbor's assessment to your assessment nor are you comparing your taxes to that of your neighbor; you are comparing recent comparable sales of similar properties in your neighborhood to determine current market value.

You are appealing your assessed value, not your taxes.

**DEADLINE TO FILE AN ANNUAL APPEAL IS
AUGUST 1ST**

