



TOWN OF ROCHESTER

50 Scenic Drive • P.O. Box 65
Accord, NY 12404

BOARD OF ASSESSMENT REVIEW Report on Grievance Day 2012

The Board of Assessment Review (“BAR”) held its annual Grievance Day on Thursday, May 24, 2012 during the hours of 5:30 pm to 9:30 pm. The date of Grievance Day was changed from the statutory fourth Tuesday in May by a local law to accommodate the schedule of the Acting Assessor. The BAR also met on one separate occasion to deliberate on the complaints received from Town property owners.

Complaints and Resolution

During Grievance Day, the BAR heard 16 complaints from property owners who appeared in person. A further 11 complaints were submitted prior to the deadline from property owners who chose not to appear in person.

The subject properties for which complaints were submitted ranged from an unimproved property with an assessed value as low as \$27,500 to a commercial campground with an assessed value of \$2,100,000. Of the 27 complaints, the BAR reduced the assessed valuations in 18 cases. The BAR determined that 9 subject properties were properly or under-assessed or that the property owners did not include sufficient documentation to support their complaint and did not receive the respective assessment reductions. The combined value of assessment reductions was \$494,693 from a starting point of \$7,618,700. Property owners requested \$3,407,500 in aggregate assessment reductions.

In addition to the 27 complaints submitted, the BAR ratified 10 stipulations and 3 corrections proposed by the Assessor. The number of complaints filed was significantly lower than in prior years. The combined reduction in assessments related to the stipulations was \$1,472,700. The combined reduction in assessments related to the corrections was \$9,000. We strongly urge property owners to discuss potential errors with the Assessor prior to filing a grievance in order to possibly avoid having to file a grievance and to better prepare for a grievance if one is subsequently filed.

Prior to deliberations in which the BAR made determinations on individual properties, BAR members discussed assessment methodology and agreed upon a set of objective criteria for reviewing cases. This methodology was consistently applied to each case taking into account extenuating factors. The decision on every complaint reviewed was made unanimously by each participating BAR member.

Land is valued on a formula basis as provided by the Assessor’s land tables depending on its location. For unimproved land, the first acre is assessed at levels starting at approximately \$37,500 (improved land starts at approximately \$47,500), with a sliding valuation for additional acreage; there were valuation adjustments for factors such as views and water frontage. After determining the Assessor’s proposed assessment, BAR members determined the land value in accordance with the land table and determined the value of the remaining improvements on the

property. In doing so, the BAR determined the assessed value of improvements and determined if assessments fell within certain ranges for similar properties. The BAR determined different ranges for stone houses, new stick construction, bungalow and cottage type structures, modular construction and manufactured homes (mobile homes), and various types of outbuildings. The members of the BAR believe that the use of the land table can sometimes distort assessments for improvements and recognizes the potential for gross disparities resulting from this methodology.

Issues Observed

In the grievance process, the BAR made the following observations.

1. Some complainants did not provide sufficient information to support their requests for assessment reductions; a number of property owners did not submit any information (such as comps, etc.) at all.
2. Affordability of taxes was cited by several property owners as a significant burden in the current economic environment. While the BAR is not permitted to take affordability into consideration in its deliberations, escalating property taxes is certainly one issue that elected officials must thoroughly review in their budgeting processes.
3. There was an improvement in the Assessor's land tables and the attempt to standardize the valuation of the value-enhancing features of certain types of property (views, etc.) as well as land that is worth relatively less due to abundant wetlands, steep slope, periodic flooding or other factors that could diminish the value of land. It is still possible, however, that the land value calculations, when the formula is applied, could result in an unfair allocation of a property's full value between land value and the value of improvements. The BAR did, however, provide discounts to the land value formula in select cases where property values could be reasonably determined to be diminished due to proximity to undesirable enterprises, conditions and/or extremely poorly maintained and/or deteriorated buildings on neighboring properties, as these factors generally have an adverse impact on the marketability of the subject properties.
4. In many cases, residents were not aware that they could save money by combining two or more qualifying adjacent parcels (owned in the same name) into one parcel for tax purposes.
5. There continued to be some disparity and gross inconsistency between assessments per square foot. Many homes in excellent condition were valued at \$100 per square foot or less, while others in poorer condition appeared to be assessed at much higher levels. The members of the BAR were unable to determine the cause of such disparity. The inconsistency creates a ripple effect because it results in a situation where residents whose home are properly assessed at full equalized value are forced to pay a higher pro rata percentage of the tax levy burden than individuals whose homes are assessed at a below market figure.

We have to make special note of the continuing improvement in the Assessor's Office's willingness to assist property owners in a timely manner and appreciate the cooperation we received from the Assessor in our Grievance Day process. Several property owners also commented on the helpful attitude of the two individuals in that office, which we feel is especially welcome during a town-wide revaluation.

Conclusions and Recommendations:

We continue to recommend that the Town routinely publish the entire tax roll in an easily usable format on the internet in order to provide residents with a means of easily validating assessed valuations and to more conveniently point out errors and/or inconsistencies to ensure an equitable distribution of tax levies.

Zoning issues in which undesirable business activities and issues related to adjacent or neighboring homes or businesses that are dilapidated or filled with junked cars/debris/trash were brought up by property owners on several occasions. These property owners asserted that such undesirable conditions impaired the market value of the complainant's properties. Some factors that the BAR determined to adversely affect market prices of properties included proximity to undesirable businesses (cell towers, noisy and unkempt summer camps, etc.) or periodic flooding from water runoff from town roads. As the assessment of individual properties were in some cases reduced appropriately because of these factors, the pro-rata share of the tax levy passed on to properties unaffected by these or similar factors inevitably rises, resulting in a potentially inequitable distribution of property tax liability in which unaffected properties unfairly bear a higher proportional cost of the Town's tax levy.

This report was adopted unanimously by the members of the Board of Assessment Review. June 1, 2012

Margaret Bonner
Ronald Lapp, Jr.
Claude Suhl
Martha Tardibuono
Zali Win