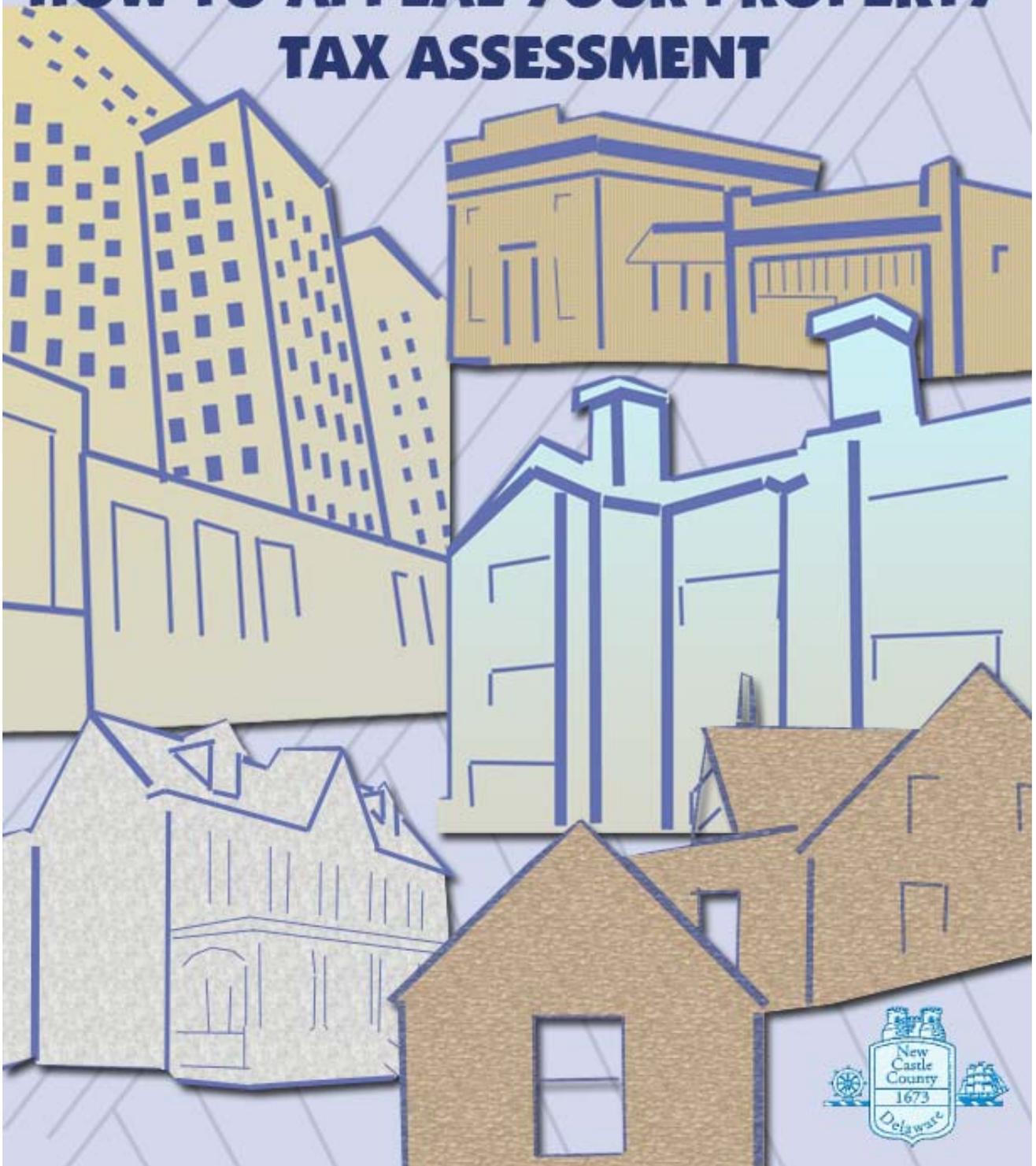


HOW TO APPEAL YOUR PROPERTY TAX ASSESSMENT



Amended February, 2009

The Property Assessment Process

How was my assessment determined?

When a property is improved, either by building a new structure or structures, or improving existing structures, an assessor visits the site to view the improvements. The assessor inspects the property to determine the extent of the improvements. Furnishings or other personal property are not included in the assessment valuation. Based upon those improvements, the assessor determines what the fair market value would have been as of July 1, 1983.

Why is the property's value based upon July 1, 1983?

The last time a county-wide reassessment was performed was in 1983, with changes effective July 1, 1985, so all properties are assessed as of that 'base year.'

I do not remember a tax assessor visiting my property. How could she/he have made a determination of value?

The assessor does not necessarily have to view the inside of your structure, so they may have visited your property while you were not at home. An external inspection is performed, and exterior measurements are taken for any new construction. If they cannot gain access, any interior information may be obtained from the building permit.

How am I notified of the new assessment and property tax amounts?

Taxpayers are notified of changes in their assessment through the Quarterly Assessment Change Notice. (sample attached). Any increases to the property assessment must be communicated to the property owner in writing prior to the effective date of the increase.

How can I compare my assessment to my neighbors'?

The assessed value of all New Castle County properties is available on our website at www.nccdelu.org. Select ParcelView from the choices in the right hand column. Enter the address that you would like to view. For example, to look at 200 Main Street, enter "200" under Street Number and "Main" under name. Click on Search. A list of all properties that apply will appear. Click on the desired property. If you are looking for a street name that is a number, such as 21st Street, you will spell out 'twentyfirst' using no hyphens or spaces.

Scroll through the property information to the section entitled "Tax Assessment Information" to view the assessed value. By scrolling further down, you will also see that the building characteristics, i.e., number of rooms, etc., are also listed. This is where you will be able to view differences between your property and others. Other information includes whether the basement is finished, whether the property has air conditioning and other details that may affect the assessed value.

Can the size of my lot make a difference in the assessed value?

Absolutely! A number of factors determine the assessment amount and there are various reasons why neighboring properties may have a higher or lower assessment. Some of these include: year built, condition, the number of rooms, the number of bathrooms, the square footage, a finished basement or attic, lot size, garage, even the addition of a swimming pool, deck or shed.

The Assessment Appeal Process

I believe that my assessment is too high. How do I file an appeal?

To file an appeal, you will need to submit an appeal form. If your property is a residence, you will file the Residential Assessment Appeal Form. For non-residential properties, a Commercial/Industrial Appeal Form must be submitted. Ten copies of the application and any supporting documentation (such as written appraisals) must be submitted. The application is sent or delivered to the Assessment Division, Department of Land Use, 87 Reads Way, New Castle, DE 19720. Following receipt of your application, your request for appeal is scheduled for a hearing before the Board of Assessment Review. Hearings are generally held on weekdays, during daytime hours, at the New Castle County Government Center, 87 Reads Way, New Castle. Please note that you must use the official application that you can find at the back of this booklet. If you are appealing the assessment on more than one parcel, you must file a separate form for each parcel under appeal. You will be notified of the date, time, and location of the hearing in writing.

What other actions by the Assessment Division are subject to appeal?

- Removal/Denial of any type of exemption
An appeal must be filed within 30 days of the date of notice of the denial or removal.
- Removal/Denial of Farmland Assessment
An appeal must be filed within 30 days of the date of notice of the denial or removal.
- Issuance of a Rollback Tax Billing
An appeal must be filed within 30 days of the date of the rollback bill.

Is there a fee for filing an appeal?

There is no fee for filing an appeal to the Board of Assessment Review.

Is there a timeframe that I must meet for filing an appeal?

An appeal of your annual tax assessment must be received by 4 p.m. on March 15th (when March 15th falls on a weekend, the deadline is extended to the Monday following. If the appeal is granted, it will become effective on July 1st of that calendar year.

A quarterly appeal may be filed only on the amount your assessment has increased due to some change in the property. If you wish to file a quarterly appeal, the deadline is within 30 days of the effective date of the increase. The four quarterly appeal deadline dates are October 31st, January 31st, April 30th and July 31st. Any reduction resulting from a quarterly appeal will be retroactive to the effective date of the increase.

Is there any difference in the appeal process for residential properties versus commercial properties?

There is a different application to be filled out. Commercial applications also require an attachment certifying that all existing appraisals of the property are being disclosed to New Castle County. The certification form is included in this booklet.

Is there somewhere I can go for help in filling out my application for appeal?

The Department of Land Use Assessment Division is available to help you fill out your application for appeal. We will help you with understanding and filling out the application, but you will be responsible for gathering evidence to support your appeal. Please contact our Customer Service Representative at (302) 395-5540 for assistance.

What is the Board of Assessment Review and who are its members?

The Board of Assessment Review is a public board, composed of 6 members and a chairperson. The Board members are appointed by County Council and the Chairperson serves at the pleasure of the County Executive. The Board members are not New Castle County employees.

How does the hearing process work?

When your appeal is heard, you and any witnesses you have identified on your application will be invited to speak. All will be testifying under oath. A New Castle County representative may cross-examine the applicant regarding testimony and evidence given. Members of the Board may ask questions or seek clarification on information that is presented. If a representative of the County presents evidence, the applicant has the opportunity to cross-examine and rebut any evidence presented by the County. Both sides have the opportunity to present a closing statement or summary. No new evidence may be included in the closing statement. At the beginning of the hearing, the Board may choose to set a time limit for the entire hearing or a time limit for each side to present their case. Remember that the only witnesses, appraisals, or comparable properties that you may use in support of your appeal must have been identified on your application form.

Will the Board rule right away or decide later on my appeal?

The Board will debate and vote on the appeal at the hearing. You will still receive formal written notification of the Board's decision.

Are all appeals heard by the Assessment Review Board?

Not necessarily. New Castle County will review the application and, if we agree with the basis of the appeal, may make a change without the necessity for a full hearing. Any such changes will be detailed on a stipulation form, which must be signed by both New Castle County and the appellant. The Chair of the Board of Assessment Review must sign off on any assessment changes resulting from the appeal process.

Will I be notified when the hearing will be scheduled?

Yes, you will be notified in writing at least 5 days before the scheduled hearing date.

Do I need to be present at the hearing?

No, there is a check box on the last page of the form to indicate that you will not be attending the hearing. By waiving your right to appear, the Board of Assessment Review will hear your appeal based solely on the information provided on your application.

Do I need to have a lawyer?

No, a lawyer is not required, but you may certainly choose to be represented. If so, you must identify the attorney that will appear on your behalf.

What kind of information must I provide? Is there any 'evidence' I can submit in support of my case?

The application asks that you include a variety of information regarding your property, including your purchase price and date, any conditions of sale, major renovations that have been made to the property, a description of the structure including numbers of rooms, lot size, etc, and the amount you believe reflects the fair market value as of July 1, 1983. This is only a partial list of the fields on the Appeal Form. The complete form is an attachment to this information sheet.

The 1983 valuation is critical in appealing your property assessment. Be aware that the burden of proof rests with the appellant to prove substantial over-valuation – based on the 1983 valuation. In order to win your appeal, you must convince the Board that the fair market value of your property, as of the County's base date of July 1, 1983, is less than the amount of your assessment. To do this you may present evidence of sales of comparable properties, provided that the sales are from 1983 (or adjusted to that time) and that the comparable properties were similar to your property at the time they sold. **Merely showing that allegedly comparable properties have lower assessments is not sufficient to meet your legal burden.**

You may also submit an independent appraisal of your property reflecting the July 1, 1983 market value. If you are submitting an appraisal(s), the person who performed the appraisal must be at the hearing and copies of the appraisal must be submitted with your Assessment Appeal Form. If you have researched comparable sales and plan to submit comparable sales information in support of your appeal, you need to include the comparable sales information on your Appeal Form. You can submit information regarding a maximum of six properties. You will not be permitted to testify or introduce evidence about properties that are not listed on your appeal form.

Do I have to pay my taxes if my assessment is being appealed?

While it is up to you, we recommend that you pay your property taxes. Should you choose not to pay and your appeal is denied, penalties will be added to the amount due. If you do pay and your appeal is granted, a credit would be applied to your tax account.

Is the Board of Assessment Review the final decision-maker or is there an appeal process from their decision?

You have the right to appeal The Board of Assessment Review's decision to the Superior Court of the State of Delaware. You must file your appeal within 30 days of the written decision of the Board of Assessment Review. Superior Court will not entertain new evidence, but will issue their ruling based upon the evidence presented at the Board of Assessment Review hearing.

WHAT DO YOU CONSIDER TO BE THE FAIR MARKET VALUE OF THE PROPERTY AS OF JULY 1, 1983?

\$ _____

▪ ON WHAT BASIS DO YOU REACH THAT OPINION?

_____ Appraisal (person who did the appraisal must appear at the hearing and copies of the appraisal must be submitted with this appeal form).

_____ Comparable Sales (identify below).

_____ Other (discuss in detail below, or in an attachment).

▪ BRIEFLY DISCUSS THE REASON FOR YOUR APPEAL AND FOR YOUR CONCLUSION OF VALUE:

COMPARABLE SALES

Comparable sales must reasonably relate to value as of July 1, 1983. Any comparable sales you intend to discuss at the hearing (up to a maximum of six) must be listed in or attached to this form, or the Board will not consider them. You will **not** be permitted to testify or introduce evidence concerning comparable sales not set forth in this form. **The assessed value of other properties, or the taxes paid by other homeowners, is not acceptable as evidence of overvaluation. Do not cite the assessed values of other properties in your appeal.**

1. Parcel Number _____ Owner _____

Address _____

Sales Price _____ Date _____

Lot Size/Land Area _____ Style of House _____

Number of: Bathrooms: _____ Bedrooms: _____ Fireplaces: _____

Finished Basement: _____ Finished Attic: _____ Central Air: _____

Porches and Additions _____

Describe Garage or Other Buildings _____

Additional Comments _____

2. Parcel Number _____ Owner _____

Address _____

Sales Price _____ Date _____

Lot Size/Land Area _____ Style of House _____

Number of: Bathrooms: _____ Bedrooms: _____ Fireplaces: _____

Finished Basement: _____ Finished Attic: _____ Central Air: _____

Porches and Additions _____

Describe Garage or Other Buildings _____

Additional Comments _____

3. Parcel Number _____ Owner _____

Address _____

Sales Price _____ Date _____

Lot Size/Land Area _____ Style of House _____

Number of: Bathrooms: _____ Bedrooms: _____ Fireplaces: _____

Finished Basement: _____ Finished Attic: _____ Central Air: _____

Porches and Additions _____

Describe Garage or Other Buildings _____

Additional Comments _____

Note: up to three additional comparable sales may be submitted as an attachment to your appeal form.

WITNESSES OR AGENTS

Identify any witness or attorney/agent who will appear on your behalf at the hearing. If necessary, attach a list of additional witnesses.

Name	Firm or Company
Address	Telephone number

OWNER CERTIFICATION

The undersigned represents that he/she is the owner or authorized agent of the owner of the above-described property, affirms that all statements herein are true to the best of his/her knowledge and belief, and asks the Board of Assessment Review that the assessment of said property for fiscal year _____ be reduced to: \$ _____

Signature of owner or agent ¹	
Print name and title	
Mailing address (for Notice of Hearing and Notice of Decision)	
Telephone Number	Day _____ Evening _____
Date of Filing	

NOTE: If you do not wish to appear before the Board for a formal hearing, please check here and the Board will consider your appeal on the basis of the information contained in this form. ()

¹ If this form is signed by an agent of the owner, the agent must attach a statement from the owner authorizing the agent to present this appeal and represent the interests of the owner herein.

COMMERCIAL / INDUSTRIAL ASSESSMENT APPEAL FORM
BOARD OF ASSESSMENT REVIEW OF NEW CASTLE COUNTY

ADMINISTRATIVE USE ONLY

Docket Number: _____ ANNUAL – JAN – APR – JUL – OCT – FARM – GEN EX

Submit **one original and nine (9) copies** of this form and all supplemental material. If every question is not clearly and completely answered, the Board may deny your appeal without further hearing. Submit a separate appeal form for every tax parcel.

I. PROPERTY IDENTIFICATION

OWNER _____ PARCEL NUMBER _____

STREET ADDRESS OF PARCEL _____

CURRENT ASSESSMENT: LAND _____ BUILDING _____ TOTAL _____

THE COUNTY'S ASSESSMENT IS BASED ON 100% OF THE FAIR MARKET VALUE OF THE PROPERTY AS OF JULY 1, 1983. WHAT DO YOU CONSIDER TO BE THE FAIR MARKET VALUE OF THE PROPERTY AS OF JULY 1, 1983? \$ _____

ONLY APPRAISALS RELATING TO FAIR MARKET VALUE AS OF JULY 1, 1983 WILL BE CONSIDERED.

NOTICE: All material substantiating your reasoning must accompany this form (e.g., construction costs, photographs, deeds, sales history, analysis of comparable properties, appraisal reports, income and expense data, etc.). All supporting evidence must be appended to this form to be considered by the Board. In addition, if you intend to rely at the hearing on any appraisal or other document to support your claim of value, the person who prepared the document must appear at the hearing.

YEAR PROPERTY WAS PURCHASED _____ TOTAL PURCHASE PRICE \$ _____

Is the total purchase price a fair reflection of the market value for the real estate on the above mentioned sale date? YES NO

If no, please explain _____

(If property was acquired in more than one transaction, list each purchase on a separate attachment).

HOW WAS PROPERTY ACQUIRED: PRIVATE SALE AUCTION OPEN MARKET
 FAMILY INHERITED OTHER

II. SUPPORTING EVIDENCE

In an attachment to this form, you must provide competent evidence supporting your opinion of the fair market value of your property as of July 1, 1983. To be considered competent, evidence of value must be founded on an approach to valuation generally accepted in the financial community. The three traditional approaches to valuation are described below. It is generally advisable to hire a professional appraiser to perform a retrospective appraisal utilizing one or more of these approaches. Some components of the approaches require technical knowledge and are subject to particular scrutiny. **A retrospective appraisal should utilize July 1, 1983 as the effective date of appraisal. The assessed values of other properties, or the taxes paid by other property owners, are not acceptable as competent evidence of overvaluation. Do not cite the assessed values of other properties in your appeal.**

A. Comparable Sales or Market Approach

In the Comparable Sales or Market Approach, recent sales of similar properties are examined and compared to the subject property. Market oriented adjustments are made for any differences between the comparable sales and the subject. **NOTE: your comparable sales approach must address the fair market value of your property as of July 1, 1983, or the Board will not consider it.** Please mark this box if you rely on the market approach or comparable sales approach to valuation, and attach your evidence to this form:

B. Income Approach

The Income Approach is a method of arriving at the estimated value of the property by analyzing the potential income and expenses from income-producing real estate. The net income is then capitalized to indicate the value of the property as an investment. It assumes a return based on that which competitive properties are receiving. **NOTE: your Income Approach must address the fair market value of your property as of July 1, 1983, or the Board will not consider it. Also note that the Delaware Supreme Court has determined that the Income Approach cannot stand alone, and must be combined with another generally accepted approach to valuation to be considered competent evidence.** Please mark this box if you rely on the income approach to valuation, and attach your evidence to this form:

C. Cost Approach

In the Cost Approach, the site and improvements are treated separately for analytical purposes. By means of a market analysis, the site is valued independently as if vacant and ready to be put to its highest and best use. Next, the reproduction/replacement cost new of the improvements is estimated. This represents the most probable cost of building a replica structure. From this estimate is deducted all depreciation or utility loss accruing to the building. The depreciated cost new is then added to the total of site improvements and land value to arrive at the indicated value from this analysis. **NOTE: your Cost Approach must address the fair market value of your property as of July 1, 1983, or the Board will not consider it.** Please mark this box if you rely on the cost approach to valuation, and attach your evidence to this form:

III. IDENTIFICATION OF AGENTS AND WITNESSES

A. Attorney or Agent

Please identify any attorney or agent who will represent you at the hearing on this assessment appeal:

Name _____ Firm or Company _____

Address _____ Telephone Number _____

B. Potential Witnesses

Please identify all persons whom you expect to call as witnesses in your appeal hearing (additional witnesses may be identified in an attachment to this form).

Name _____ Firm or Company _____

Address _____ Telephone Number _____

Name _____ Firm or Company _____

Address _____ Telephone Number _____

IV. CERTIFICATION OF OWNER

The undersigned represents that he/she is the owner or authorized agent of the owner of the above-described property, affirms that all statements herein are true to the best of his/her knowledge and belief, and asks the Board of Assessment Review that the assessment on said property for the fiscal year _____ be reduced to \$ _____.

Signature of owner or agent¹ _____

Print name and title _____

Mailing address (for _____
Notice of Hearing & _____
Notice of Decision) _____

Telephone Number _____

DATE OF FILING: _____

NOTE: If you do not wish to appear before the Board for a formal hearing, please check here and the Board will consider your appeal on the basis of the information contained in this form. ()

¹ If this form is signed by an agent of the owner, the agent must attach a statement from the owner authorizing the agent to present this appeal and represent the interests of the owner herein.