

2019
Rules of Government
Cumberland County Board of Review
Adopted 2006

The Cumberland County Board of Review (hereinafter "BOR") consists of three members, appointed by the Chairman of the Cumberland County Board (35 ILCS 200/6-5 & 6-25). The BOR has the authority to confirm, reduce or increase any assessment as appears just. The BOR determines the correct assessment, prior to state equalization, of any parcel of real property which is subject of an appeal, according to the law, based on standards of fair cash value, uniformity, correctness of facts, evidence, exhibits and briefs submitted to or elicited by the BOR from an appellant, assessor and/or other interested parties.

Prior to filing a formal complaint (appeal) with the BOR, it is strongly recommended that a taxpayer discuss his/her assessment with the Chief County Assessment Officer or one of the deputies.

The statutes provide that the Board of Review shall develop and publish rules and regulations as may be necessary for the orderly dispatch of business. The following guidelines and rules for the BOR govern the assessment appeals process for the property assessment/tax year.

Rule 1: Regular meetings of the Board of Review of Cumberland County shall be held at the Cumberland County Annex Building, located at 140 Courthouse Square, in the Supervisor of Assessments Office.

Rule 2: The Board shall convene on or before the first Monday of June and shall adjourn from meeting day to meeting day as necessary. Hours may be altered as deemed necessary. BOR Meeting Agendas shall be posted on the front door of the Cumberland County Annex Building a minimum of 48 hours prior to the meetings of the BOR; meeting location, dates & times will appear on said Agenda.

Rule 3: The BOR shall keep a record of all proceedings and the order of business shall be as follows:

- A. Read and approve records of the preceding meeting.
- B. Consider appeals and petitions and other matters property brought before the BOR.
- C. Make preliminary and final decisions of assessed valuations on all Appeals filed.

Rule 4: Appeals may be filed with the Clerk of the Board in the Supervisor of Assessments Office at 140 Courthouse Square, Toledo, Illinois Monday through Friday, 8:00 am to 4:00 pm beginning after the Date of Publication during the current assessment/tax year.

Rule 5: Appeals must be filed in the Supervisor of Assessments Office within thirty calendar days of the date of publication of changes for that township. Changes will be published by the Supervisor of Assessments office in local newspapers as follows:

- Neoga and Spring Point: Neoga News;
- Cottonwood, Sumpter and Woodbury: Toledo Democrat;
- Crooked Creek, Greenup, and Union: Greenup Press.

Publication dates will be determined by the Supervisor of Assessments office. Parcels do not have to be in this list of changes to file an appeal, however deadline dates still apply.

Appeals shall be filed in the Supervisor of Assessments Office within thirty calendar days after the date of publication of the assessment list. Only a taxpayer or owner of property dissatisfied with an assessment, as such assessment pertains to the assessment of their property for taxation

purposes, or a taxing body that has a tax revenue interest in the decision of the BOR on an assessment made by any local assessment officer may file an assessment complaint.

The BOR has no authority to discuss Real Estate Taxes. It only controls the assessed valuation and exemptions for the property.

Taxpayers may not file an appeal based on the amount of taxes on the property in question.

All appeals or petitions shall be filed in order of presentation, giving said appeal or petition a docket number and noting the number and character of the appeal or petition on the records of the Board and noting the final decision of the Board.

Rule 6: Filing an Appeal

- A. Burden of Proof: It is up to the taxpayer to prove an assessment is incorrect.
- B. A separate appeal must be filed for each assessed parcel.
- C. Appeal forms are available from the County Assessment office. The appeal shall be made on the approved forms provided by the Board (fax transmissions will not be accepted) and must be filed with the Clerk within thirty calendar days after legal publication of assessments of the respective Township. Cumberland County does not allow the employees in the Chief County Assessment's Office to fill out any part of the form. However, they may provide assistance as needed.
- D. Petitions sent by mail must be postmarked on or before the closing date for each Township. Acceptance of petitions in postal metered envelopes shall be limited to five (5) calendar days immediately following the final date for filing an appeal, and must be postmarked on or before the closing date for each Township.
- E. Taxpayers shall have the right to complete and file a complaint form on property that they own or in which they have an equitable interest. Taxpayers shall have the right to represent themselves before the Board or through an attorney licensed in the State of Illinois. A complaint filed on behalf of a corporate taxpayer must be completed and filed by an attorney licensed to practice law in the State of Illinois, unless completion and filing of the complaint by a non-attorney is explicitly authorized by Illinois law. Accountants, tax representatives, tax advisors, real estate appraisers and/or consultants and others not licensed to practice law in the State of Illinois may not appear at board hearings in a representative capacity. However, such persons may be called upon to testify at hearings as a witness and may assist parties and Attorneys in preparation of cases for presentation to the Board.
- F. **Every effort should be made to file all evidence in support of the Complaint at the time the complaint is filed; however, all evidence in support of a Complaint should be received by the Clerk no later than 5 business days after the final deadline for the Complaint period.** Appeals filed with the BOR must be signed by the owner of record. Appeals with *NO EVIDENCE PROVIDED* will be dismissed for failure to present any evidence with your appeal form.
- G. No new grounds will be granted to the appeal after the appeal is filed with the Clerk, unless approved by motion of the Board.

Rule 7: Basis for Assessment Appeals

****Remember if comparing properties, you must compare the assessed value NOT the taxes paid****

A. Appeals Based on Fair Market Value

- a. **Definition:** Market value –the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus.
- b. Evidence to include but not limited to:
 - i. Appraisal-Although not required, the Real Estate Appraisal Profession that is licensed by the IDFPR is highly recommended. The BOR will accept appraisals ONLY from those licensed as evidence of the Complainant’s opinion of value.
 - ii. The Appraisal must be in presented in its entirety, including all exhibits, with no missing pages. The only appraisals that will be accepted per their date will be current tax year of the appeal and the 1 year prior to the current tax year appeal.

B. Appeals based on Recent Usable Sales of Comparable Properties

- a. Evidence to include but no limited to:
 - i. Comparable Sales- If there were sales of similar properties in similar locations that would show the subject property is over-assessed; evidence of those sale prices should be submitted. Examples of “Similar properties” include: square footage, year built, construction type (i.e. a ranch style compared to a ranch style), condition, etc.
 - ii. Comparable Sales should be those considered an Arm’s Length Transactions.

Arm’s Length Transaction Definition:

- buyer and seller are motivated;
- both parties are well informed or well advised and acting in what they consider their best interests;
- a reasonable time is allowed for exposure in the open market; While a reasonable length of time can be a subjective attribute because there is no definitive hard and fast rule guiding what is reasonable, the following lists the types of advertising considered acceptable with no discussion on the length of time:
 - Advertised via an MLS listing or with a Realtor
 - Advertised by word of mouth
 - Advertised by owner placing ‘For Sale’ sign in front yard
 - Advertising via the internet (i.e. Zillow, Facebook, etc.)
- payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- the price represents the normal consideration for the property sold unaffected by anyone associated with the sale.
- The transaction is one between unrelated parties or parties not under abnormal pressure from each other.

C. Appeals based on Equity (aka Uniformity)

- a. **Definition:** Real property assessments shall be valued uniformly as the General Assembly provides by law (Art. 9, Sec. 4, Illinois Constitution of 1970). An inequitable assessment is one that values on property at a higher level of assessment relative to fair cash value than assessments of comparable properties.
- b. Evidence included but not limited to:
 - i. It is preferable to select at least three (3) comparable properties. Comparable properties should be located near the subject property in the same neighborhood or competing neighborhoods. They should be similar in style (i.e. a ranch compared to a ranch), construction (i.e. brick, frame, with or without basement, etc.), age, size, quality and condition of the subject. ***In no instance will comparables from outside of Cumberland County be considered by the BOR for assessment complaints based on equity.***

D. Appeals Based on Income Producing Properties

- a. Evidence to include but not limited to:
 - i. Income and Expense Statements. If the property is income producing, it is recommended the taxpayer furnish the income and expense statements of the prior three years as evidence of value. The most appropriate evidence is the pertinent schedules of the taxpayer's federal income tax return.

E. Appeals Based on Matters of Law

- a. **Definition:** Matters of law include such factors as carrying forward prior year residential appeal results, preferential assessment and farmland valuation.
- b. Evidence to include but not limited to:
 - i. Legal Brief. If the basis of the complaint is a question of law, it is recommended the taxpayer provide a legal brief of the subject as issue, citing the law in question, as well as copies of any legal opinions and/or judicial rulings regarding the law in question.

F. Appeals Based on Incorrect Assessor Date

- a. **Definition:** Incorrect data includes, but is not limited to, size of the site, size of the improvements, physical features and condition of the property.
- b. Evidence to include but not limited to:
 - i. Review of the Property Record Card with the Chief County Assessment Officer or the deputies- Most of the above-mentioned factual errors can be corrected per plat of survey and/or inspection completed by Township Assessor or Field Agents.
 - ii. Condition Issues Listing with Estimates Cost to Cure- If the issue is condition, it is highly recommended the BOR be provided a detailed list of the condition issues with an estimated cost to cure each condition issue; **AND Condition Issue Photographs**-Providing DATED PHOTOGRAPHS is highly recommended to show condition issues.

G. Appeals Based on Recent Sale of Subject Property

- a. **Definition:** The BOR considers the sale of subject property, which occurred within 3 years of the January 1 assessment date, as possible evidence of fair cash value. The BOR gives most weight to the following required documentation in such an appeal:
 - i. Evidence to Include but no limited to:
 1. Documents that disclose the purchase price of the property and the date of purchase, specifically including the signed and completed settlement statement of the closing disclosures and summaries of transaction.
 2. Testimony and/or documentation, such as the recorded Illinois Real Estate Transfer Declaration (PTAX-203) or printout from a multiple listing service-closed client listing sheet and chronological property listing history of the subject property.
 3. If applicable, an itemized bill of sale signed by seller(s) and buyer(s) and supporting documentation of the fair cash value of any personal property include in the purchase price of the property.

Rule 8: Board of Review Process

- A. The BOR will consider each complaint filed, review the evidence submitted, will physically inspect the property if necessary, will compare the subject with similar properties (not just those chosen by the appellant) and will render a tentative decision to raise, leave the same, or lower the assessment of the subject property.
- B. The tentative decision will be mailed to the appellant. Appellants have **10** calendar days from the postmarked date/date on the tentative decision to request a formal hearing with the Board of Review once a tentative decision has been rendered on their appeal.
- C. When a taxpayer requests a formal hearing, he or she will be notified of the date and time to appear. The Board of Review shall hear evidence at the hearing as to the assessed valuation alleged to be incorrect. The Board shall take all evidence under advisement and give written notification of the Board's decision within 30 days after said hearing. If an appellant fails to request a hearing on the Board's proposed action or to appear for the hearing, the Board may take such action with respect to the appellant's appeal as shall appear to the Board to be lawful and just.
 - a. Hearings are conducted informally; however, the appellant and other witnesses shall be prepared to testify under oath. The appellant may represent themselves or be represented by any person who is admitted to practice as an attorney. Others appearing may testify at hearings before the board, but they may not conduct questioning, cross-examination or other investigation at the hearing.
 - b. Residential hearings are limited to approximately 15 minutes and Commercial hearings are limited to approximately 30 minutes. The taxpayer should be prompt for the scheduled hearing.**
- D. Appellant has 30 days from the date on the notice of the Board of Review's final decision to file an appeal with the Illinois Property Tax Appeal Board. Prescribed forms of the Property Tax Appeal Board are available at the office of the Property Tax Appeal Board, the County Supervisor of Assessments, or online at www.state.il.us/agency/PTAB.

Rule 9: The BOR may initiate proceedings designed to correct omissions from the assessment or cases of under and over assessment. The BOR shall give notice of assessment change to the

person or corporation concerned, allowing time to file an appeal and/or appear before the BOR and show cause, if there be any, why the assessment should not be changed.

Rule 10: Appeals addressed to the BOR regarding matter of equalization shall show clearly the class or classes of property of the taxing district or jurisdiction that appears to be out of line with the general assessment level prevailing in the county. If appeals of this character are to receive favorable consideration, said appeals should be supported by assessment ratios.

Rule 11: The BOR, at its discretion, may have legal counsel present at any meeting.

Rule 12: All hearings are subject to being audio/video recorded (with the agreement of all parties).

Non-Homestead Exemptions:

Non-homestead Exemptions for Religious, Charitable, or Educational Organizations

Properties of religious, charitable, and educational organizations, as well as units of federal, state and local governments, are eligible for exemption from property taxes to the extent provided by law. The organization must apply for the exemption with the County Board of Review which reviews the application and forwards it to the Illinois Department of Revenue for the final administrative decision. All non-homestead exemption applications shall include the necessary documentation required by the Dept. of Revenue of the State of Illinois. A separate fully completed petition must be submitted for each parcel number, unless parcels are adjacent to each other and/or one legal description covers all parcels. An affidavit of use must be submitted for all applications for property tax exemptions except property for the State of Illinois or U.S. Government. Pictures (actual-not copies) must be submitted with all applications for Property Tax Exemptions and all applications MUST BE NOTARIZED. If the request for exemption would reduce the assessment by \$100,000 EAV or more, the BOR will notify the Units of Government.

Homestead Exemptions:

GENERAL HOMESTEAD EXEMPTION – provides for an annual \$6,000 reduction in the equalized assessed value of the property that you own or have a leasehold interest in, occupy as your principal residence during the assessment year, and are liable for the payment of property taxes.

HOMESTEAD IMPROVEMENT EXEMPTION- is an exemption allowed for new improvements to existing structures on homestead property or the rebuilding of residential structures following a catastrophic event. The exemption is limited to a maximum of \$25,000 per year in assessed value and continues for four years from the date the improvement or rebuilding is completed and occupied.

HOMESTEAD IMPROVEMENT ACCESSIBILITY EXEMPTION – exemption allowed for new improvements to existing structures on homestead property or the rebuilding of residential structures for modification listed under the Home Services Program. This could include, but not limited to the installation of ramps and grab-bars, widening door-ways, and other changes to enhance independence of a disabled or elderly individual. The exemption is limited to a maximum of \$75,000 per year in fair cash value and continues for seven (7) years from the date the improvement or rebuilding is completed and occupied, not the date you file this application. Note: You may have more than one homestead improvement exemption on the same property. However, you cannot receive a homestead improvement exemption for any

other property in Illinois for the same assessment year and the total exemption cannot be more than \$75,000 per year.

SENIOR CITIZENS HOMESTEAD EXEMPTION - provides for an annual \$5,000 reduction in the equalized assessed value of the property that you own or have a leasehold interest in, occupy as your principal residence during the assessment year, and are liable for the payment of property taxes.

SENIOR CITIZENS ASSESSMENT FREEZE HOMESTEAD EXEMPTION - allows to have your home's equalized assessed value (EAV) "frozen" at a base year value and prevent or limit any increase due to inflation. Qualifications: taxpayer must be 65 or older, total household income is \$65,000 or less, on January 1, at that year, used the property as your principal place of residence, — owned the property, or had a legal or equitable interest in the property as evidenced by a written instrument, or had a leasehold interest in the property used as a single-family residence, and — were liable for the payment of property taxes

HOMESTEAD EXEMPTION FOR PERSONS WITH DISABILITIES - provides an annual \$2,000 reduction in the equalized assessed value (EAV) of the property owned and occupied as the primary residence on January 1 of the assessment year by a person with a disability who is liable for the payment of property taxes.

RETURNING VETERANS' HOMESTEAD EXEMPTION - provides a \$5,000 reduction in the equalized assessed value (EAV) of the veteran's principal residence for two consecutive assessment (tax) years, the tax year and the following year that the veteran returns from active duty in an armed conflict involving the armed forces of the United States. The veteran must own and occupy the property as his or her principal residence on January 1 of each assessment year.

STANDARD HOMESTEAD EXEMPTION FOR VETERANS WITH DISABILITIES (SHEVD) - provides an annual reduction in the equalized assessed value (EAV) of a primary residence occupied by a veteran with a disability, or the veteran's surviving spouse, on January 1 of the assessment year or on a prorated basis during the time of occupancy for the assessment year. If the veteran has a service-connected disability of 30% or more but less than 50%, then the annual exemption is \$2,500; 50% or more but less than 70%, then the annual exemption is \$5,000; 70% or more, then the residential property is exempt from taxation under this Code. Beginning with tax year 2015, the surviving spouse of a veteran killed in the line of duty can qualify for this exemption.

DISABLED VETERANS' HOMESTEAD EXEMPTION (SPECIALLY ADAPTED HOUSING) - an additional reduction up to \$70,000 if the Federal Government has approved payment to construct or modify your home if you are a disabled veteran with a service-connected disability.