

INSTRUCTIONS FOR FORM AR 3

APPLICATION FOR CORRECTION OF PROPERTY TAX ASSESSMENT

FOR CLAIMS OTHER THAN, OR IN ADDITION TO VALUATION, INCLUDING MISCLASSIFICATION OR DENIAL OF EXEMPTION

ARC – the Assessment Review Commission – is an independent administrative tribunal dedicated to providing fair and accurate determinations of taxpayers' requests for review and reduction of assessments.

Property owners may represent themselves. If you want ARC to review your property's assessment, complete and file an *application for correction* either on-line via the County's web site or by completing and mailing in a paper form.

File your appeal on line. Our on-line system allows you to complete and file your appeal and track its progress. From the County's home page – www.nassaucountyny.gov – select the Assessment Review pull down link under eServices.

Avoid duplicate filings: They will delay review of your request for reduction of the assessment. If you decide to file for yourself, do not sign an authorization for an attorney or other paid representative. If you decide to hire a representative, do not file your own application or sign authorizations for other representatives. If you own a condominium unit, your board of managers likely files for all of the unit owners; check with your building's board before filing on your own.

Checking the Department of Assessment's Records. Before deciding to challenge your assessment, check the information maintained by the Department of Assessment on your property, including an estimate of its value, which is updated annually, a description of its use, a tax class designation and the type and amount of any exemptions. You can access this information from the County's web site – www.nassaucountyny.gov – under eServices. If the data on the Department of Assessment's records is in error, write to the Department of Assessment, 240 Old Country Road, Mineola, NY 11501. For additional information on assessments and exemptions call 516-571-2490.

If you disagree with the Department of Assessment's determination. You may believe that the Department of Assessment improperly denied your application for a new exemption or granted it in an amount less than you requested, or improperly removed or diminished a previously granted exemption. You may also object to the property's class designation, the calculation of transition assessments or assessment limits or have other objections to the assessment, apart from the total assessed value. Often you may be able to resolve these issues informally with the Department of Assessment. However, you are entitled to present these issues for review by the Assessment Review Commission by filing form AR3 by March 2. Doing so will also preserve your right to seek judicial review.

CHECKLIST FOR USE OF FORM AR3

- There are three application forms to choose from: AR1, AR2, and AR3; use only one.
- If your only objection is the total assessed value, use form AR1 for a private home or AR2 for other property.
- Use form AR3 if your property is entitled to an exemption for which you applied but were denied.
- There are four tax classes; use AR3 if your property was placed in the incorrect class.
- Use AR3 for any other claim that relates to an issue other than the total assessed value.
- You may include a valuation claim on form AR3 in addition to your non-valuation claims.
- If you decide to challenge the assessment, **file between January 2, 2009 and March 2, 2009.**
- File on line at www.nassaucountyny.gov** or complete and sign a paper form.
- Mail paper forms to the Assessment Review Commission at 240 Old Country Road, Mineola, NY 11501.
- Answer the questions on form AR3 and attach the documents requested by these instructions.**

Completing the application form. If you have questions about how to fill out form AR3, refer to the specific instructions below. If you need further assistance, contact ARC's customer service office at **516-571-2391** or by e-mail from ARC's web site: www.nassaucountyny.gov/arc.

Attachments. In certain cases you are required or advised to submit copies of documents. If you file on-line, you may attach word documents, spreadsheets, digital photographs and scanned images, or you may submit paper copies by mail with a cover sheet that refers to your appeal. Include the tax year and parcel identification number. If your claim relates to an exemption, attach a copy of the application for exemption that you filed with the Department of Assessment and related correspondence. If you claim misclassification, attach a copy of your building's certificate of occupancy and any permit application for work under way or recently completed.

Support for valuation claims. If you request a reduction of the total assessed value and also have one of the other claims described on form AR3, you should file form AR 3 only, but also provide support for your estimate of market value. Forms AR1 and AR2 and their instructions describe the information required to support a valuation claim. AR1 is for private homes and Class 1 condominium units. AR2 is for all other property types. If you file on-line and check both valuation and other claims, the appropriate questions will be included in your AR3 form. If you file on a paper form AR3 and request reduction of the total assessed value, attach a sheet with the answers to the questions from Parts B and D of the appropriate form (AR1 or AR2), as well as any documents specified in the instructions for that form.

General Information. Complete this part in full to make sure ARC can accurately identify your property.

Parcel number: This number identifies your property on the County tax maps and assessment roll. If your tax bill lists several lots that are part of a lot grouping, list only the first lot. If you own contiguous parcels that are used as a single property, but where there are separate tax bills for each lot, list all of the lots. Elsewhere on the form, where you provide information about your property, you must include information about the entire property and all of the lots listed.

Taxpayer-applicant's name: Write the full name of the individual or entity who owns the property or who is otherwise responsible for payment of the tax. This is the person who files the application or, if a representative files, who authorizes the filing. Do not put the name of an attorney or agent here.

Form: Check the appropriate box describing the type of applicant. A publicly traded corporation has shares that are listed on an exchange or regularly traded over the counter.

Relation to property: Check the appropriate choice. If "Other", describe the relationship.

Property owners: List the names of any of the owners of record other than the applicant.

Contact Information and Representation. Complete this part carefully so that ARC can contact you.

Representative: Check the appropriate choice. Choose "self" if you want ARC to contact you. You may authorize another person to be your representative; if you do, ARC will communicate with that person exclusively. If you are acting as a representative, you must arrange to have the applicant certify the application or obtain a current written authorization to file for the applicant. If you certify the application as a representative you are responsible for obtaining accurate information about the property from the owner or other applicant and should provide a copy of the completed application to the applicant if one is requested.

Name & Address: Provide a complete mailing address, including zip code.

Telephone, Fax, E-mail: Always provide a telephone number. E-mail is required for filing on-line.

Conference preference: ARC will consider all of the information that you submit with your application. In addition, in some cases, ARC may schedule a conference. Select the choice that represents your preference.

Explanation of Claim and Description of Property. Check and complete the choices describing your claims. The choices correspond to the grounds for review in the Real Property Tax Law, which are summarized below. If necessary, provide further explanation of your claim in the space provided, or in an attachment, and attach copies of relevant documents. In all cases, answer the questions at the end of this part about construction and property uses.

The law lists grounds for review of assessments and groups them into four categories: *Excessive, unequal, unlawful* and *misclassified*. The following summarizes the most commonly relevant grounds:

Classification. There are four classes of property for tax purposes. Each taxing district determines separate tax rates for each class. Rates are typically much lower for Class 1 than for the other three classes. The classes are:

1. One, two and three family homes. Condominium units in buildings not exceeding three stories that were not converted from rental or cooperative use. Vacant land zoned for only residential use. Vacant land owned in common with an adjacent home. Primarily residential property with no more than three units.
2. All other primarily residential property, including condominium, rental and cooperative apartments.
3. Utility company equipment and special franchises.
4. All other property, including commercial, industrial and institutional buildings and nonresidential vacant land.

If your property has an incorrect class designation, it is *misclassified*.

Exemptions. State laws authorize full and partial exemptions from the property tax, including the Basic STAR exemption, which is available to nearly every resident owner. In order to receive an exemption, you must have met all of the requirements of the law granting the exemption and have filed an application with the Department of Assessment by the January 2 prior to the publication of the final assessment roll.

Once granted, most exemptions are carried forward from one year to the next. However, the Department of Assessment is required to adjust the amount of the exemption in some cases or remove the exemption if there is a change in ownership or use. Many exemptions require periodic renewal applications; the Department of Assessment will mail these to you. In all cases, you should check the assessment roll annually – after January 2 – to make sure that the exemption has been continued and that any adjustment of the amount of exemption is appropriate.

Some exemptions apply only to school or general taxes and most do not apply to special district taxes. In some cases school districts and local governments may decide whether or not to participate. For more information, contact the Department of Assessment or visit the County's web site: www.nassaucountyny.gov.

Partial exemptions. Any exemption that is not a full exemption is a partial exemption. For example, the business investment exemption requires the Department of Assessment to apply a formula to determine the amount of exemption. For some exemptions, the Department of Assessment may separately value the taxable portion of the property, as when a nonprofit organization uses only part of its property for eligible purposes.

Transition assessments. If your property is designated as Class 2 or Class 4 property it may be entitled to a transition assessment, which may reduce the taxable assessed value. Transition assessments phase in increases in the assessed value over a five-year period: 20% of the increase is added in each year through the fifth year when the entire increase is included in the taxable assessed value. There may be more than one phase-in if there have been increases in more than one year. Increases due to construction or renovation or removal of exemptions are not phased in. If the total assessment is reduced, such that it is less than the transition assessment, taxes are based on the lesser amount. If a property is reclassified to Class 1 or 3, it will no longer have a transition assessment.

Limits on assessment increases for Class 1 property. If your property is designated as a Class 1 property, its assessed value will not be increased by more than 6% in any one year or more than 20% in any five-year period. These limits do not apply to increases due to construction or renovation or removal of exemptions. The five-year limit does not apply to prior years when the parcel was designated as Class 2 or Class 4 property.

Excessive assessment. An assessment is *excessive* if the total assessed value is greater than the full market value; or if the taxable assessed value is too great because the Department of Assessment fails to grant a partial exemption, or miscalculates the amount of an exemption, transition assessment or Class 1 assessment limit.

Unlawful assessment. An assessment may be *unlawful* if a property that is entitled to full exemption is listed as taxable; or if the assessment was entered on the roll by a body or officer who lacks authority to make the entry; or if the description on the tax map and roll is not sufficient to identify the property.

Tax districts. The tax maps and assessment roll indicate the town or city and school district in which your property is situated. Most parcels also lie within the boundaries of one or more special districts and some are located within an incorporated village. In some cases district boundaries bisect a property and its value is apportioned accordingly. Each district has its own tax rate, which will be applied to your property's assessed value to determine the amount of tax levied for the district's use. An assessment may be *unlawful* if its tax district designation is in error.

Unequal assessment. This is the most usual type of valuation claim – that the total assessed value is too great in relation to the full market value of the property. Assessments are set at a fractional level of full value that is to be uniform for each class of property. Your property’s assessment may be *unequal* if the Department of Assessment has over estimated the value of your property, or if the true level of assessment for your property’s class is less than the uniform level stated by the Department of Assessment.

If *unequal* assessment is your only claim, do not use form AR 3; file on form AR1 or AR2 instead.

It is neither necessary, nor especially helpful, to compare your property’s assessment with those of other properties. A claim of *unequal* assessment must be based on the level of assessment for all property of the same class in Nassau County. If your property’s assessment is higher than similar or better properties this may indicate that your property is overvalued, but this type of evidence is inconclusive because the other properties may be undervalued.

Usually the best support for a claim of *unequal* assessment is evidence of the full market value of your property.

Explanation: Provide any necessary calculations or other explanation of your claim here or on an attachment.

Has any construction or alteration been started or completed in the past 3 years: Answer Yes if there has been any new construction or structural alterations that require a permit. State the total cost of the work as of the most recent January 2, including financing, architect’s fees, insurance and permits, but excluding land acquisition costs. Attach a schedule of the costs and a copy of the permit application and, if completed, the new certificate of occupancy.

Property uses: Describe the current uses of the property or, if vacant, the use for which it is currently arranged.

Taxpayer’s Estimated Value and Calculation of Requested Assessment. This part may help you accurately specify your claim and may be especially important if you are dissatisfied with ARC’s determination and seek judicial review. *Total assessed value* is determined by multiplying the estimated full market value of the property by the uniform level of assessment for its class. If you object to the *total* assessed value, complete column 1. The *taxable assessed value* reflects adjustments for partial exemptions and transition assessments; it is the value used to compute tax bills. If you want to specify a requested *taxable* assessed value, write the number on line d in column 2.

a. Tentative assessment: This is the fractional assessment set by the Department of Assessment on January 2.

b. Applicant’s estimate of full market value: You must state a full market value in column 1 if you claim unequal assessment. If part of the property is exempt and the other part taxable, you may also state a claimed full value for the taxable portion in column 2. Space is provided to explain how the full value was estimated.

c. Correct level of assessment. Assessments are set at a fractional level of full value that is to be uniform for each class of property. The Department of Assessment is required to state the uniform level on the assessment roll. ARC will give you the benefit of the lowest level determined for any property of the same class even if you do not state a level here.

d. Requested assessment: Specify the figure that you want ARC to set as the assessed value. Enter the requested total assessed value in column 1 and the taxable assessed value in column 2. If you completed lines b and c, you may calculate the assessed value by multiplying your estimated market values by the level of assessment. Otherwise, you should provide an explanation of how you calculated the requested assessment.

Statement of Claim and Certification. You must sign the application if you file on paper. If you do not sign, your application is defective. The certification in bold type is required by law and must not be altered.