

## Re-Assessment Questions and Answers

### **1. I do not agree with the value placed on my home – what should I do?**

The town is following the same process followed every time a re-val is done in a town across New York State.

**Step 1-** contact the assessor at 518-251-2421 x 6 and make an appointment for informal consultation. In this meeting, you will have the opportunity to ask questions of the assessor regarding how data was collected on your property and how value was assigned. If you have information that is different than what the assessor has, it is important to bring documentation – pictures, deeds, etc... Because this is the town's first ever re-val and many people will have questions, we have had to limit informal consults to 10 minutes for each property.

Safety – yours and staff, is always at the forefront of our minds. For this reason, your consult will take place in a well-lit, ventilated and secure space within town hall.

If you are unable to make an in-person meeting, you can call or email to set up a phone consult. Additionally, you can fill out and return the form included with your mailer.

No decisions will be made on the day of your appointment. Letters with any changes will be mailed around May 1.

**Step 2** – If you do not make an appointment for informal or have a call, or if you still disagree with the value you receive on May 1, you can attend the **Board of Assessment Review (BAR) Grievance Day on May 26 from 11 am – 3 pm and 4 pm to 8 pm.**

The BAR consists of five community members appointed by the town board. The BAR cannot include the assessor or any staff from the assessor's office. Assessors, however, are required to attend all formal hearings of the board and have the right to be heard on any complaint.

Use [Form RP-524, Complaint on Real Property Assessment](#)

There is no cost to grieve an assessment and it does not require you to hire a lawyer. You do not have to attend in person, but your forms **MUST** be received by May 26. If you do not file the form by the deadline, you will lose the opportunity for administrative and judicial review of your assessment this year.

Only the assessment on the current tentative assessment roll can be grieved - you can't grieve assessments from prior years.

You will receive a notice of the board's determination. The notice must contain a statement of the reasons for the board's determination.

**Step 3** - If you are dissatisfied with the decision of the BAR, you may seek judicial review of your assessment via:

- Small Claims Assessment Review (SCAR) - only available to:
  - Property owners who live in their one, two or three family dwellings that are used exclusively for residential purposes, or
  - Owners of vacant land that is not of sufficient size to contain a one, two or three family dwelling
  - Requires \$30 filing fee
  - Information regarding SCAR is available from the [New York State Unified Court System](#)
- Tax certiorari proceeding
  - Commenced in New York State Supreme Court pursuant to Article 7 of the Real Property Tax Law
  - We highly recommend you contact a private attorney

## **2. Can we delay the process to allow for more community discussion?**

The dates are written into law - Real property Tax Law, Article 3, Title 1, Section 3:

All real property subject to taxation, and assessed as of a March first taxable status date, shall be valued as of the preceding first day of July.

If we were to defer enacting the new values for a whole year, there would be individuals who are negatively impacted by that. 56% of our mobile home owners will be seeing a reduction in their values this year, and consequently, tax burden.

## **2.5 Can the town rescind resolutions made in the past to do the reval in-house ?**

The board can rescind resolutions, but in this case, it would have no effect.

The Real Property Tax Law (see Sections 301 and 305) requires assessors to assess all real property at a uniform percentage of market value. In our case, the data has been collected and the assessor has set values. The town's assessor is an appointed, trained professional, who has met the qualification standards established for this office. Her term of appointment is for 6 years. She is the sole individual in this town who is responsible for setting assessments. The town board does not have jurisdiction over the assessors numbers, and may not substitute it's judgement for that of the assessor.

[https://www.tax.ny.gov/pubs\\_and\\_bulls/orpts/legal\\_opinions/v1/39.htm](https://www.tax.ny.gov/pubs_and_bulls/orpts/legal_opinions/v1/39.htm)

[https://www.tax.ny.gov/pubs\\_and\\_bulls/orpts/legal\\_opinions/v3/34.htm](https://www.tax.ny.gov/pubs_and_bulls/orpts/legal_opinions/v3/34.htm)

**3. Is the town's assessor qualified to do a re-val? What training does an assessor have? Are they elected or appointed and for how long do they serve? Is this position a civil service position?** What was the hiring process for both the Assessor and the other person who assisted her? Are these civil service positions? And if so, were they hired according to civil service procedures?

*From Fair assessments: A guide for property owners – link to document here:*

<https://www.tax.ny.gov/research/property/assess/reassessment/fairassessments.htm>

*Assessors are trained to be appraisal professionals; it is their job to make sure that the assessments are accurate and equitable, which provides the basis for fair distribution of taxes among the property owners within the assessing unit.*

Real Property Tax Law, Article 3, Title 2, Sections 10 and 12:

1. Selection. Each local government to which this title applies which has the power to assess real property for purposes of taxation shall have one assessor. An appointive assessor shall be appointed by the legislative body of the local government except that in a local government where department heads and other local officers are appointed by the chief executive officer, such assessor shall be appointed by such officer. Any resident of the state, otherwise eligible for appointment as assessor, may be appointed assessor. An assessor may be employed by the local government in any other position not incompatible with the office of assessor.
2. Term of office. The term of office of assessor shall be six years except as otherwise provided in subdivision seven of this section. The terms for appointive assessors shall commence on the first day of October, nineteen hundred seventy-one and each sixth year thereafter. Where a town has exercised the option to elect one assessor, as provided by [section three hundred twenty-nine](#) of this article, the term for such elected assessor shall be as of the first day of January, nineteen hundred ninety-four and each sixth year thereafter.
3. Classification. The position of appointive assessor shall be in the classified service, notwithstanding the provisions of [subdivision \(e\) of section thirty-five of the civil service law](#) .
4. Minimum qualification standards. No person shall be eligible for appointment as assessor unless he meets the minimum qualification standards established for such office by the commissioner.
5. Certification and continuing education. (a) All assessors, whether appointed or elected, must obtain commissioner certification of successful completion of the basic course of training and education prescribed by the commissioner pursuant to this title.  
  
(b) In addition to the basic course of training and education, all appointive assessors and any assessor elected to a six-year term shall also complete additional courses in a continuing training and education program prescribed by the commissioner pursuant to the provisions of this title.

You can learn more about the process here: <https://www.nysenate.gov/legislation/laws/RPT/310>  
The data collector is a contractor hired in compliance with the town's procurement policy under professional services. Verbal recommendations were provided by other town supervisors and assessors.

We are not providing resumes in this document.

**Was preference given to veterans?** The town always endeavors to recognize local vendors and honorable service.

#### **4. What is equalization rate?**

At its simplest, an equalization rate is the state's measure of a municipality's level of assessment (LOA). This is the ratio of total assessed value (AV) to the municipality's total market value (MV). The municipality determines the AV; the MV is estimated by the state.

Equalization rates do not indicate the degree of uniformity among assessments within a municipality. (More information regarding uniformity is available in the pamphlet, Publication 1112, *Fair Assessments – A Guide for Property Owners*.)

#### **What does your equalization rate mean?**

- An *equalization rate of 100* means that the municipality is assessing property at 100 percent of market value.
- An *equalization rate of less than 100* means that the municipality's total market value is greater than its assessed value. Prior to this year, the town of Johnsbury's equalization rate was 1.9.
- An *equalization rate of greater than 100* means that the total assessed value for the municipality is greater than its total market value.

There would be no need for equalization if all municipalities assessed all property at 100 percent of market value every year.

#### **5. Why is this happening now? Why didn't I know about this and is the town taking advantage of high market rates?**

When the board decided to commit to the 2- year project of a town wide assessment re-val, it was 2019. Our equalization rate was bouncing around 2% while towns around us were consistently achieving 75% and better. What that told us was that we were taxing properties on assessments that were at only 2% of current market value. With no standardization in valuation, the board could not say that each homeowner was being taxed at the same rate.

Why does that matter? It matters because it creates what is called “inequity”, or a system in which some people are picking up the tab for others.

We’ve been living with this inequity for a long time – why do we have to correct it now? Also, a fair question. What we’ve discovered is that over time (and this has happened across the country, not just here) for one reason or another, the burden tends to become heavier on the properties of lower value. This may be because markets tend to drive higher end houses up in value faster, because people living more modestly don’t have the resources to pay attention to their assessments and argue them down, or any number of other reasons. The bottom line is, by failing to properly assess property, we are worsening the large and growing inequalities in the distribution of wealth and income. Here in Johnsbury, 56% of people living in mobile homes are going to see a reduction in their values. That means they have been paying more than they should.

A mailer was sent out in 2020 detailing the project and requesting information on properties. 80% of these were returned to town hall. Every property has been visited, and the data collector and assessor left a card at each place where they did not have direct interaction with property owners.

We have updated the community via discussion in town board meetings, weekly virtual town hall forums, an in person and virtual community workshop conducted in September of 2021 which was video-taped and can be accessed through the town’s website.

The board has been open, honest and accessible throughout the process. The board are taxpayers, and we, too, are getting in line to ask questions. We are empathetic to those whose values have risen but we are also accountable to those who have gone down significantly.

As for “taking advantage”, when not meeting, the board spends time seeking education on topics that affect our town – broadband, housing, senior issues and more. While none of us are experts, we do rely on experts available to us to inform our decision-making processes. Below are links to a couple of forums and documents that analyze the current situation and future forecast for housing and economic development in the region. The more we all understand the challenges ahead, the better armed we will all be to face them together.

Warren County EDC Forecast: [https://us02web.zoom.us/rec/share/aVrJXhbbYCN-nf\\_z1Qzb-vWsBEfTdAHYhVOTcfEUZnrFcUMhNn0kBGQHgE1MJWw.3j2bJyHPg4q6L-ph?startTime=1643203694000](https://us02web.zoom.us/rec/share/aVrJXhbbYCN-nf_z1Qzb-vWsBEfTdAHYhVOTcfEUZnrFcUMhNn0kBGQHgE1MJWw.3j2bJyHPg4q6L-ph?startTime=1643203694000) Passcode: RdS7gZ&X

Regional Office Of Sustainable Tourism 2021 Relocation Study : <https://www.roostadk.com/wp-content/uploads/2021/02/Adirondack-Relocation-Assessment-Survey-2021.pdf>

Association of Realtors February Housing Report :

**A couple of mis-perceptions:**

1. The reval does not set property prices. Markets do that. The reval project simply seeks to reflect current home values accurately. We may not like it, but these values are, in fact, what someone would pay right now for your home.

The number that is the focus of most people's attention is the "estimated" tax burden. For some, this is increased – not because the value of their home increased, but because their portion of the tax burden increased. The value of their home went up proportionately greater than others in town. It would not matter if we did this reval at the height of the market or at some point lower – the proportion of tax burden is what is being adjusted and for those who are most impacted by this reval -would remain the same.

When we did not do a reval, year after year, the distribution of tax burden became out of balance. Homes of similar year, build, size, neighborhood and condition were not paying the same taxes. We have found example after example of this imbalance – a 3300 square foot house on large acreage on the same street as a 1100 square foot house on 2.5 acres paying the same in taxes. A 1600 square foot house of the same age, and not as well maintained as a nearby 2500 square foot house paying the same. It goes on and on.

The revaluation project seeks to establish fair share.

2. Misperception :The numbers created by this reval are somehow either a baseline or written in stone. They are neither. Condition of houses, market conditions, neighborhoods – all fluctuate. For this reason, the town has set a goal of reassessing cyclically. We intend to keep this data up to date and accurate so that over time, large adjustments like the one we are experiencing right now will not happen.

## **6. Is the Homestead Tax Option something that might help?**

The Homestead Tax Option is definitely something to evaluate. Unfortunately, a town must first complete a property revaluation project that meets the state board's regulations. That entitles the assessing unit to be certified by the state board as an approved assessing unit. Then the local governing body of the assessing unit can adopt a local law.

## **7. Can we phase in the changes over a multi-year period?**

A town can only phase-in results of a revaluation if they have passed the local law opting in to the Homestead Option. – see above - again, the Homestead Option is only available after the town completes a reval project.

This from "The Homestead Tax Option – Real Property Tax Law Article.

The phase-in option sounds simple. In reality, however, most assessment officials believe it would be extremely difficult to administer. Maybe that is why no municipality to date has decided to use the transition-assessment option.

## **8. What is all the extra money raised being used for?**

Property tax revaluation does not raise more money for the town via property tax. It is a re-apportionment of the tax burden. Some will pay more, some will pay less. The state has placed a 2% tax cap on each taxing entity. This means that even with property values going up, we can't raise the amount taxed through property taxes more than 2% in any given year unless we go through a public hearing process.

The budget, which is determined by the town board, dictates the amount to be paid by each taxpayer. The process for creating the budget starts in June and extends through November of each year. In Johnsbury, we hold a budget workshop in July. This forum is the community's opportunity to tell the board how they would like their tax dollars spent.

Projects like the sewer project will involve formation of a special taxing district. Like the water district, only individuals within the boundaries of this district will pay for the services. All costs to develop the district have been paid for through grants, American Rescue Plan Funds or will be rolled into the district debt service.

## **9. Do we have the ability to order an "audit" of the data used in the revaluation?**

The entity which oversees assessment and real property tax law application in New York State is the Department of Tax and Finance. On the 15<sup>th</sup> we heard from Steve Peluso of New York State Department of Tax and Finance – he outlined for us the process the state follows in all towns to review assessment information. This evaluation was based on the "preliminary" assessments, and found the level of residential assessments looked like 100%. For the two standard methods they ran, the estimates were 101.74 and 95.72.

## **10. Why do people keep using the term "preliminary"?**

Each year, dictated by New York State Real Property Tax Law, the assessor goes through the same process and meets the deadlines determined by law.

Preliminary assessments must be filed by March 1

Tentative assessments must be filed by May 1.

Final assessments must be filed by July 1.

Between preliminary and final a lot of work is being done. The assessor is working with the state on land values, with special franchises and payment in lieu of taxes agreements and most importantly, with individuals owning property within the town. Based on these interactions, numbers go up and down. If you think of the town's assessment roll as a closed bag of marbles and the marbles are the tax burden, when the numbers change, no more marbles are added or subtracted, it just changes the number of marbles each individual involved in the system carries. In other words, when one property value goes down – everyone else picks up a few more marbles.

With each interaction that happens – whether through the state, franchises or informal consultations, new information is shared. In some cases, values will be changed based on that new information. That is happening right now. Each time this occurs, the marbles are shifted. Right now, today, no one can say what the exact impact of these shifts will be on each individual. The bag of marbles doesn't stop shifting until the final assessment role is filed on July 1. And that only determines each property owner's *portion* of the tax burden. The actual amount each property owner will be asked to pay will be determined by the town budget, which is formulated through the town board in a process that plays out over many months and involves opportunity for public input along the way.

**11- What are the reasons that it appears that certain sections of Main St. and Circle Ave were reduced?** We did find that many of the properties in the Main St. area of town did see reductions in assessment. Here is a link to an explanation of the methodology. [https://www.tax.ny.gov/research/property/assess/reassessment/reassess\\_methods.htm](https://www.tax.ny.gov/research/property/assess/reassessment/reassess_methods.htm)

**12 - How is commercial property assessed?** Here is a link to manuals used in training and assessment <https://www.tax.ny.gov/research/property/assess/manuals/assersmanual.htm>

**13 - The summit townhouses are currently selling for \$275,000 why are they valued less than that?**  
The correct time and place to discuss specific assessments is in an appointment with the assessor. However, since this is a large collection of similar units, we will attempt to address this question. Values are not based on market value right now, today. Values were based on a 5 year look back. You will see that in 2020 units at the Summit were still selling between \$110,000 and \$200,000.

**14 - State land appears in the preliminary list to have been reduced.** This is true. It has been stated again and again, *and can't be stressed enough*, the values used in the initial notices are preliminary. In order to have the assessment disclosure notices ready in time for the March 1 mailing deadline, we had to use the numbers provided to us in January by New York State.

Since then, and as normal part of the process, the State has reviewed and changed those values and Gore is included. The assessor reviews these for accuracy and engages with the state during this time. It appears at this time that the state land is up by around 10%.

Going forward, the town will continue to engage in the accepted avenues for negotiation with the state regarding their valuation of state land.



**15 - Why were reductions not addressed in presentations on the reval?** Neither specific increases nor specific decreases are addressed by the assessor in any of her presentations. The appropriate time for property specific questions is in the informal consultations with the assessor happening right now. These consultations can take place by appointment in person, by appointment on the telephone or through mailing or emailing documents to [assessor@johnsburgny.com](mailto:assessor@johnsburgny.com)

**16. It appears that entitlements for Top Ridge and Front Street were reduced or eliminated?**

While we are attempting to emphasize that property specific concerns need to be addressed through direct contact with the assessor, again, we will attempt to satisfy some of this question. By entitlements, we are assuming you mean land table values that go with buildings of this type? If that is the case, we did not have land tables previously and these units now have fair values attached to the land underneath.

**17 – The letters that were sent out contained too much/ too little/ offensive/ information. I don't like the words “hypothetical” and “preliminary” – why did you use these terms?**

The form, substance and timing of the assessment disclosure notice is dictated by state law. <https://www.nysenate.gov/legislation/laws/RPT/511>

**18. What were the quotes received from reval companies?**

The quotes themselves are proprietary and we cannot share them without redacting much of the information. There were presented to the town in 2019 and one was for \$325,000 the second for \$150,000.

**19. What is the true cost of the reval done in-house? What was the cost to the town over the past 2 years in terms of salary, benefits, office supplies (including computers, etc), and reimbursements for mileage and other expenses incurred by the persons doing the assessment, for the in house assessment?**

The assessor has not charged the town extra to perform the reval. She is a part-time employee working 30 hours per week. She is reimbursed for mileage at the standard IRS rate set annually. She receives no other benefits from the town. Her current rate of pay is \$25.51/ hr.

The town hired an additional data collector who worked seasonally in 2020 and 2021 – for which we have paid him a total of \$29,464.99.

The assessor has been paid \$1161.23 in mileage.

\$983.55 on stamps, paper, envelopes, and ink.

**20. The State seems to have established a fair market value for each Johnsbury property prior to the Town revaluation. I say this based on the document provided that gave numbers showing the ratio of assessed to market value. Can we see this information? Frankly I wonder how they got it as it is obviously difficult to ascertain.**

We receive feedback from the state in narrative summary only, all of which has been shared with the community and reiterated in the meeting March 15. I would suggest you contact the state directly for answers at that level of specificity.

**21. It has been stated repeatedly that assessments are based solely on market value. Yet the fact that Johnsbury's ratio went from 27 to 4 implies that there is something else going into the calculation. Please explain how this works and what the impact was on individual properties.**

The ratio I think you are referring to is the uniformity – these are measures of inequity in assessing. Ours were far, far outside acceptable range. You are correct, they measure more than just market value adjustment – they measure how far to the higher or lower priced housing the assessments were skewed. Ours showed that we were assessing lower priced properties at a higher rate than higher priced properties. When you correct to uniform market value assessments you correct the uniformity ratio.

**23. Why did the Town let that ratio move so much? Is the dramatic change perhaps the reason that there were such big fluctuations in individual properties' assessments?**

You've hit the nail right on the head! The dramatic change is exactly why there are such big fluctuations in some property assessments. It wasn't so much an active process by which this happened – far more passive in that the town never enacted a whole town reval.

**24. Is anything being done to challenge the State land assessment? Since \$1k/acre appears to be a widely used measure for large lots, why isn't State land assessed at \$1k/acre? (Backwoods lots anyway) It seems to be assessed well below that although we haven't seen the 2022 numbers.**

The state land numbers have already changed and will be included in the tentative roll when it's filed on May 1. Sadly, the state gets to set it's own values – not a good system, but the one we live with nevertheless. We did see a big rise in values this year ( because of the reval) and we're strategizing advocating for more fairness with the state next year. This may have to include collective advocacy – strength in numbers!

**25. The information in the website about preliminary assessments by lot is largely unreadable. Could we please have something that shows full market value before and after and organizes it by lot number rather than randomly listing it?**

The information in the website about preliminary assessments by lot is largely unreadable. Could we please have something that shows full market value before and after and organizes it by lot number rather than randomly listing it?

The data posted is sortable, and I have seen a version being circulated where an individual equalized the 2021 numbers as well.

26. What is the total assessed value of the entire town of Johnsburg prior to the reval? Total Assessed value ( based on 1.9% equalization rate) \$11,551,029. Total taxable assessed value \$8,966,972. (minus exemptions)

27. What is the total assessed value with the reevaluation? We don't have this number yet – it is changing with each new piece of information and will be available when the final role is filed on July 1.

28. What is the estimated dollar amount of the town of Johnsburg's budget? The budget is developed through the summer and into the autumn. Distilling all of the questions received, I believe the heart of this question is, how much taxes will be raised in the next budget? Last year the town raised \$1,965,280 in taxes – this number does not include the taxes raised and paid to the North Creek Fire District. New York State imposes a 2% tax cap, therefore, unless the town board votes to break the tax cap, the next budgeted amount of taxes to be raised will fall somewhere between \$1,965,280.00 and \$2,004,585.00.

29. What is the total estimated Johnsburg school district budget?

This is determined by the school board. The town board does not have anything to do with development of this budget.

30. What is the estimated warren county budget? Like the town budget, this has not yet been determined and follows a summer through autumn calendar.

31. Redistribution rate. How many went up how many went down. It is obvious that the preliminary data has been sorted to show redistributions and has been shared amongst many groups in town. Since we are working with data that is preliminary and changing, the town will address this question when final numbers are filed on July 1.

32. Where are the utilities and special franchises reflected?

Utilities and special franchise came in after the letters. The assessor is in the process of reviewing them now and they will be on the tentative.

33. How do exempt properties affect the overall distribution of tax burden?

Does lower values on exempt properties hurt us in sales tax revenue?

Town-owned land, Gore, not-for-profits, churches and more fall into the category of “exempt”, they do not pay property taxes. The value of these properties, however, is included in the

overall total assessed value which is used to calculate the town's share of sales tax distribution from the county and sales tax monies are used in the budget to off-set the tax burden on property owners. The exchange is not dollar for dollar, though.

Other factors that impact sales tax distribution are the total assessed value of other towns and the amount of sales tax to be distributed.

Based on preliminary numbers, each million in lost assessed value translates to about 8 dollars in sales tax revenue. Divided across all properties, that would amount to 2/10 of a penny added to each tax bill.

The goal of the reval is to accurately value each and every property in town. The data that is currently being utilized is changing every day. Once the final roll has been submitted, the town will calculate the impact of loss of value of exempt properties. If asked to guess today – I'd say it looks to be less than a penny per person.

**34. We've known since at least 2005 that the property values are not fairly assessed and that the lower value homes have been carrying a disproportional burden of the overall taxes. Why has this not been addressed before?**

The current board is often asked to answer for actions of the past board. We have not focused on answering that question because it will not change our reality today. In 2019 the Town Board understood the problem and discussed this issue when interviewing candidates for assessor. The 2020 Town Board agreed to move forward in addressing the inequities and approved the reval. The current Town Board is taking the steps necessary to correct the problem. For some, the changes are tremendous, and that is a function of the fact that it had never been done. There is, unfortunately, no option for phasing in values – see #7 above. You are not without options or without a voice. There is a clearly defined process for contesting your assessment – see #1 above.

**35. Going from 1.9% of fair market value to 100% of fair market value is a huge leap, would, say, 50% of fair market value make this change easier?**

The problem we've had is that houses were not uniformly valued. On the same street, one house may have been at 50% of market value while another may have been at 100% and a third may have been at 120%. That is why we are seeing some values go up, some go down. New York State law requires all properties to be assessed at a uniform percentage of value within your community. The goal of a reval is to achieve 100% market value – which we have done.

The percent of market value does not dictate your taxes. It dictates the proportion of taxes you will pay. Before reval the house valued at 120% of market value was paying 20% too much and the house valued at 50% of market value was paying 50% too little. Now that the numbers are uniform across all properties in town, we can be certain each property owner is paying the appropriate amount. If we were to cut to 50% of market value, it would not change the proportions, it would only change the value of your home on paper.