

CHAPTER 17

ASSESSOR QUALIFICATION LAW

Authority

N.J.S.A. 54:1-35.1, 54:3-14, 54:3-21.5, 54:4-8.47,
54:4-23.21, 54:4-26 and 54:50-1.

Source and Effective Date

R.1998 d.421, effective July 21, 1998.
See: 30 N.J.R. 1922(a), 30 N.J.R. 3066(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 17, Assessor Qualification Law, expires on January 17, 2004. See: 35 N.J.R. 4847(a).

Historical Note

Chapter 17, Assessor Qualification Law, was filed and effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 17 was readopted effective August 12, 1983, as R.1983 d.355. See: 15 N.J.R. 1082(a), 15 N.J.R. 1487(b).

Pursuant to Executive Order No. 66(1978), Chapter 17 was readopted as R.1988 d.408, effective July 29, 1988. See: 20 N.J.R. 1066(a), 20 N.J.R. 2319(a).

Pursuant to Executive Order No. 66(1978), Chapter 17 expired on July 29, 1993. Chapter 17, Assessor Qualification Law, was adopted as new rules by R.1993 d.481, effective October 4, 1993. See: 25 N.J.R. 2653(a), 25 N.J.R. 4604(b).

Pursuant to Executive Order No. 66(1978), Chapter 17, Assessor Qualification Law, was readopted as R.1998 d.421, effective July 21, 1998. See: Source and Effective Date.

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SUBCHAPTER 1. EXAMINATIONS

18:17-1.1 Examinations for Tax Assessor Certificate

(a) After June 30, 1969, all applicants for a Tax Assessor Certificate must take and pass an examination which is given annually in March and September at times and places announced by the Director.¹

(b) The examinations for a Tax Assessor Certificate will be either written or oral, or both, and of such character as to fairly test and determine the qualifications, fitness and ability of the applicant to perform the duties of an assessor.

(c) The examination will be weighed in the manner prescribed by the Director, Division of Taxation.²

¹ Prior to June 30, 1969, certificates could be issued without examination pursuant to N.J.S.A. 54:1-35.28 which applied to persons performing the duties of an assessor, who satisfactorily completed approved training courses. This procedure is no longer available and all persons must take the examination described.

² Hereinafter referred to as "Director".

Statutory References

As to the general provisions concerning the examination for a Tax Assessor Certificate, see N.J.S.A. 54:1-35.25.

18:17-1.2 Application

(a) All persons desiring to take the examinations must file an application at least thirty days prior to the announced date of the examination.

(b) Applications for a Tax Assessor Certificate may be obtained from the Local Property and Public Utility Branch, Trenton, New Jersey.

As amended, R.1979 d.88, effective March 8, 1979.
See: 11 N.J.R. 102(a), 11 N.J.R. 210(c).

18:17-1.3 Eligibility prerequisites

(a) In order to be eligible for the Tax Assessor's examination, a person must meet the following requirements and submit proof of the same at the time the application is filed:

1. Applicant must be a citizen of the United States;
2. Applicant must be at least 21 years of age;
3. Applicant must be of good moral character, good health, and free from disabling physical and mental defects;
4. Applicant must have obtained a certificate or diploma issued after at least four years of study in an approved secondary school, or have received an academic education considered and accepted by the New Jersey Commissioner of Education as fully equivalent;
5. Applicant must have graduated from a four year course at a college of recognized standing, provided,

however, in lieu of college an applicant may substitute full-time experience in real estate appraisal work or experience in property tax assessment work on a year-for-year basis.

Statutory References

As to eligibility requirements, see N.J.S.A. 54:1-35.25.

18:17-1.4 Application notarization; fees

(a) An application will not be considered unless it is signed by the applicant, notarized, and accompanied by a fee in the amount of \$10.00 made payable to "The State Treasurer".

(b) A successful applicant is required to pay a fee of \$25.00 to the order of the State Treasurer in order to obtain a Tax Assessor Certificate.

Statutory References

As to the required application fee, see N.J.S.A. 54:1-35.25.

As to required certificate fee, see N.J.S.A. 54:1-35.26.

18:17-1.5 Review of examination procedures

(a) The availability of examination reviews and instructions for requesting a review are to be announced by proctors at examination centers before each examination commences.

(b) To be scheduled for an examination review unsuccessful examinees must write to the Division of Taxation, Local Property and Public Utility Branch, West State and Willow Streets, Trenton, New Jersey 08646, setting forth several alternative dates and times which would be selected and the examinee will be advised of the appointment date and time.

(c) Review of a particular examination will be granted only to those who were not successful in passing such examination.

(d) All examination reviews will be conducted in the offices of the Local Property and Public Utility Branch offices in the Division of Taxation Building, West State and Willow Streets, Trenton, New Jersey 08646.

(e) Requests for examination reviews must be made within two months of the date which appears on the notice of the mailing of the examination results.

(f) Examination reviews will be conducted by a representative or representatives of the Local Property and Public Utility Branch. No one other than representatives of the said branch and the person for whom the review is being conducted (the unsuccessful examinee) shall be present at the examination review.

(g) The examination review will consist of:

1. Informing the applicant of his grade and an explanation of how the grade is calculated.

2. Informing the applicant of the grade required for passage of the examination.

3. Specifying the categories which the questions covered and informing the applicant how he fared, category by category. Questions are usually grouped in each examination by categories.

4. Occasionally the reviewer may take up an individual question and go over it specifically with the applicant. This practice however will be limited.

(h) No applicant will be permitted to copy any questions or answers.

(i) No applicant will be permitted more than one review of a particular examination.

R.1973 d.60, effective March 2, 1973.

See: 5 N.J.R. 59(a), 5 N.J.R. 126(a).

Amended by R.1979 d.88, effective March 8, 1979.

See: 11 N.J.R. 102(a), 11 N.J.R. 210(c).

18:17-1.6 (Reserved)

SUBCHAPTER 2. CERTIFICATE

18:17-2.1 Preservation of records

The Director will preserve the applications, test papers and other work, except such as is returned to the applicant, and keep a record of the results of the examinations and the date of issuance of Tax Assessor Certificates, for a period of ten years after which such records may at the discretion of the Director, be destroyed.

Statutory References

As to the requirements that the Director preserve all applications and records, see N.J.S.A. 54:1-35.27.

18:17-2.2 Revocation or suspension of certificate; notice

(a) The Director may revoke or suspend any Tax Assessor Certificate for dishonest practices, or willful or intentional failure, neglect or refusal to comply with the New Jersey Constitution and the laws made pursuant thereto relating to the assessment and collection of taxes, or other good cause.

(b) Such suspension or revocation must be upon proper notice and after a formal hearing before the Director or person appointed by him.

(c) Any person whose certificate is revoked will be removed from office and will not be eligible to hold that office for a period of five years after such removal.

Statutory References

As to revocation or suspension of Tax Assessor Certificates, see N.J.S.A. 54:1-35.29.

18:17-2.3 Procedure at hearings**(a) At a formal hearing:**

1. All evidence will be taken before a court recorder;
2. The parties will not be bound by common law or statutory rules of evidence;
3. All testimony having reasonable probative value will be admitted, but immaterial, irrelevant or unduly cumulative testimony may be excluded;
4. Every party will have the right to present his case or defense by oral or documentary evidence to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) After all parties have been given the opportunity of presenting all the evidence in support of the issues, the Director will take the matter under advisement and reach a determination on the record and facts disclosed.

(c) Upon reaching a determination, the Director will notify the assessor or his representative by mail of the determination made.

18:17-2.4 Certificate necessary for appointment, reappointment, election or re-election

(a) After July 1, 1971, no person may be appointed, reappointed, elected or re-elected, as a tax assessor in any municipality in this State, unless he holds a Tax Assessor Certificate, provided, however, if an assessor has served continuously in office from July 1, 1967 to the date of reappointment or re-election, such certificate will not be required.

(b) In the case of a candidate for election as municipal tax assessor for a term commencing on or after July 1, 1971, except a candidate for re-election who has served continuously in office from July 1, 1967 to the date designated for inclusion on the ballot, the municipal clerk is precluded from certifying the name of such person for inclusion on the ballot as a candidate unless there is filed with such clerk proof that such person holds a valid Tax Assessor Certificate.

(c) Effective July 1, 1979, P.L. 1978, c.128, provides that a tax assessor shall be appointed and not elected. Tenure rights previously acquired by elected tax assessors prior to July 1, 1979 are unaffected.

Amended by R.1979 d.88, effective March 8, 1979.
See: 11 N.J.R. 102(a), 11 N.J.R. 210(c).

Statutory References

As to the requirement for all tax assessors to have a Tax Assessor Certificate in order to be appointed, reappointed or elected, see N.J.S.A. 54:1-35.30.

As to the requirement for all tax assessors to be appointed, see N.J.S.A. 40A:9-146 et seq.

18:17-2.5 Certificate necessary for joint municipal tax assessor

No person is eligible to hold the office of Joint Municipal Tax Assessor unless such person holds a Tax Assessor Certificate.

Statutory References

As to a Tax Assessor Certificate being an eligibility requirement for the Office of Joint Municipal Tax Assessor, see N.J.S.A. 54:1-35.33.

18:17-2.6 through 18:17-2.8 (Reserved)**SUBCHAPTER 3. CONTINUANCE IN OFFICE****18:17-3.1 Applicability of subchapter**

The provisions of this subchapter apply to every person actually in office as an assessor or performing the duties of an assessor whether in the classified service under Title II, Civil Service, or in a municipality which has not adopted Title II, Civil Service.

Statutory References

As to the tax assessors appointed at the pleasure of an authority, see N.J.S.A. 54:1-35.31.

18:17-3.2 General conditions for tenure of office

(a) Any person has tenure and holds his position as tax assessor during good behavior and efficiency, and is not subject to removal except for good cause shown at a proper hearing before the Director notwithstanding the fact that such person was elected or appointed for a fixed term of years, if he:

1. Holds a Tax Assessor Certificate and serves four or more consecutive years as a tax assessor and is reappointed or re-elected, or
2. While actually in office as an assessor or performing the duties of an assessor received his certificate prior to June 30, 1969 and has served in office four consecutive years prior to June 30, 1969.

18:17-3.3 Actually performing duties of office construed

(a) For purposes of the Act, a person is deemed "actually performing the duties of an assessor" who actually exercises the primary responsibility for the day-to-day conduct of the assessor's office and who normally and routinely performs

or supervises others in the performance of all of the following functions:

1. Makes appraisals of real property upon which assessed values are based; and,
2. Reviews and determines applications for tax exemption and tax deduction; and
3. Represents the assessing office to the public, the governing body and other municipal officials; and
4. Represents the assessing office and the taxing district to the County Board of Taxation; and personally and directly reports to and receives instruction from the County Board of Taxation; and
5. Represents the assessing office and the taxing district at formal tax appeal hearings.

18:17-3.4 Assessors to be appointed, not elected

(a) Effective July 1, 1979, all municipal tax assessors shall hold office by virtue of appointment and not election. All municipal tax assessors holding office as of such date shall continue in office until their respective terms of office shall expire and until their successors are appointed in the manner provided by law. The tenure rights of assessors acquired prior to July 1, 1979 are protected.

Amended by R.1979 d.88, effective March 8, 1979.
See: 11 N.J.R. 102(a), 11 N.J.R. 210(c).

Statutory References

As to the requirement for all tax assessors to be appointed, see N.J.S.A. 40A:9-146 et seq.

18:17-3.5 Reappointment of assessor serving unlimited term

In municipalities operating under forms of government where the assessor served at the pleasure of the appointing authority for an unlimited term of office, receipt of a Tax Assessor Certificate and continuance in service as assessor after completion of four consecutive years of service is deemed the equivalent of reappointment.

Statutory References

As to the tax assessors appointed at the pleasure of an authority, see N.J.S.A. 54:1-35.31.

18:17-3.6 Certificate required for tenure of office

(a) No assessor can acquire tenure of office under any law of this State on or after July 1, 1969 unless such person holds a Tax Assessor Certificate.

(b) The rule stated in subsection (a) of this section does not affect any tenure of office previously acquired, nor does it in any way affect the unexpired term of office of any assessor previously appointed or elected, nor make void or change any provision of Title II, Civil Service or any of the provisions of any other tenure of office act, except the acquisition of tenure by an assessor subsequent to June 30, 1969.

Statutory References

As to the prerequisite to tenure of a Tax Assessor Certificate, see N.J.S.A. 54:1-35.32.

SUBCHAPTER 4. ASSESSOR DUTIES

18:17-4.1 Administrative and enforcement duties and procedures

Not later than five business days following a written request from the municipal search official for the same, the assessor shall, on a form prescribed by the Director, notify the said municipal tax search official of his intention to place, or the existence of, an added, omitted, rollback or other assessment respecting subject property, setting forth the nature of the assessment and the exact lot and block designations of the property to be affected by such additional assessment.

New Rule, R.1985 d.563, effective November 4, 1985.
See: 17 N.J.R. 1870(a), 17 N.J.R. 2679(a).

Case Notes

While municipal governing body has ultimate authority over litigation it files and is entitled to withdraw, without tax assessor consent, complaints which it files in Tax Court, such withdrawal not permitted in instant case due to undisputed evidence of disturbing insensitivity on the part of the governing body to the integrity of the tax assessment system. *Clinton Tp. Citizen's Committee, Inc. v. Mayor and Council of Clinton Tp.*, 185 N.J.Super. 343, 448 A.2d 526 (Law Div.1982).