

CHAPTER 12A

COUNTY BOARDS OF TAXATION

Authority

N.J.S.A. 54:3-14.

Source and Effective Date

R.1993 d.481, effective October 4, 1993.
See: 25 N.J.R. 2653(a), 25 N.J.R. 4604(b).

Executive Order No. 66(1978) Expiration Date

Chapter 12A, County Boards of Taxation, expires on October 4, 1998.

Chapter Historical Note

Chapter 12A, County Boards of Taxation, was filed and became effective on April 18, 1974 as R.1974 d.95. See: 6 N.J.R. 120(c), 6 N.J.R. 205(b). Chapter 12A was substantially amended effective November 6, 1980 by R.1980 d.490. See: 12 N.J.R. 614(c), 12 N.J.R. 731(a). Pursuant to Executive Order No. 66(1978), Chapter 12A 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 12A 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 12A expired on July 29, 1993. Chapter 12A was adopted as new rules by R.1993 d.481. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

18:12A-1.1 Offices

(a) The permanent office of each county board of taxation shall be a place designated by the county board of taxation and shall be open each day during the regular prevailing hours of the respective county and; or as otherwise determined by the board.

(b) In the event the board shall determine that its business shall extend beyond such office hours, the office of the board shall be open for the transaction of business and the convenience of the public during such extended hours, as shall be fixed by the board.

18:12A-1.2 Educational requirements; organization and meetings, annual report by board president

(a) Each member shall, within 18 months of appointment, furnish proof that he has received certificates indicating satisfactory completion of training course designated in Section 4 of P.L. 1967, c.44 (C.54:1-35.28), or that he possesses an assessor's certificate issued pursuant to P.L. 1967, c.44.

(b) Each member serving on November 15, 1984, the effective date of P.L. 1984, c.188 shall furnish such proof within 24 months of such date, if 24 months or more of his term are remaining thereafter.

(c) If any board, so required, does not furnish such proof within said 18-month period, the Administrator shall immediately notify the President of the Board and the Director of the Division of Taxation who shall upon receipt of such notification declare the position to be vacant and shall notify the Governor of the existence of such vacancies. The Governor shall thereupon appoint with the advice and consent of the Senate, a different citizen and resident of the relevant county to fill such position for the unexpired term.

(d) On or before June 1 of each year, the Administrator shall furnish the Director of the Division of Taxation with a certified report listing the members of the board in office at that time indicating whether the required courses have been satisfactorily completed by them and, if not, those courses that are still required to be taken. The report shall also indicate the appointment date and expiration date of the term of each member and any other information that the Director may request.

(e) The board shall meet from time to time and may adjourn any meeting to another time or place in the county.

(f) The board shall organize on the first business day in May of each year and elect from its members a president who shall hold office for one year, or until his successor is duly elected.

(g) A majority of the members of the board shall constitute a quorum for transaction of business as provided by N.J.S.A. 54:3-25.

(h) Annually, on or before August 15, the president of the board shall report to the Director of the Division of Taxation in such form as prescribed by the Director, information and statistics as may be appropriate to demonstrate for the immediately preceding three-month period during which tax appeals were heard by the board. The report shall contain the number of appeals filed with the board, the disposition of the appeals disposed of during that period; the character of appeals filed with regard to the classification of properties appealed; the total amount of assessments involved in those appeals, the number of appeals filed in each filing fee category in that period; the total amount of reductions and increases of assessed valuation granted by the board during that period; and, any other information deemed necessary by the Director.

Amended by R.1985 d.261, effective June 3, 1985.
See: 17 N.J.R. 683(a), 17 N.J.R. 1439(a).

18:12A-1.3 County Tax Administrator

(a) The board shall appoint a County Tax Administrator who shall hold office for a term of three years.

(b) The County Tax Administrator hereinafter shall be referred to as Administrator.

(c) The Administrator shall, except as set forth in (d) below, subject to personnel policies adopted by the governing body of a county, appoint such clerical assistance as may be necessary. The Administrator shall devote full time to his duties and shall be available during the prevailing hours of the respective county and/or as otherwise determined by the board.

(d) The Administrator holding the office of Secretary at the time of enactment of Chapter 499, P.L. 1979, effective January 1, 1980 who served on a part-time basis, may continue to serve on that basis at the option of the board.

1. Part-time Administrators must obtain a tax assessor certificate no later than January 1, 1981 to continue to serve.

(e) After January 1, 1980, no person shall be newly appointed as Administrator unless he shall hold a tax assessor certificate issued by the Director of the Division of Taxation pursuant to C.54:1-35.25 et seq.

(f) Each Administrator hereafter appointed who shall have received two consecutive appointments for full terms or, who served a full term as Secretary, and a full-time County Tax Administrator, or who has heretofore acquired tenure as Secretary, pursuant to R.S. 54:3-9, shall hold office as Administrator during good behavior, efficiency, and residency, in the county where employed, and shall not be removed for political reasons or for any cause other than incapacity, misconduct, non-residence, or disobedience of just rules and regulations established by the Director of the Division of Taxation.

1. Any person holding the position of County Board Secretary on January 1, 1980 shall be considered to be serving a full term as Secretary if he was appointed to serve a full term of three or five years as the case may be, or to serve more than two years of an unexpired term.

(g) No Administrator who has heretofore acquired or shall hereafter acquire tenure pursuant to the provisions of R.S. 54:3-9 shall be removed from office except for just cause as provided in that section. All charges preferred against an Administrator must be in writing; signed by the person making the charge, and filed with the President of the Board. The charges must be publicly examined by the board after reasonable notice is given the person charged, and the examination must be conducted in such manner as the rules of the board may prescribe.

1. Every Administrator shall receive a fair trial upon the charge, and have every reasonable opportunity to make a defense thereto. An appeal from a determination of the board may be taken to the Director of the Division of Taxation by filing a written petition for review within 45 days from the date of the board determination.

(h) Each Administrator under the supervision and control of the board shall be responsible for the administrative functions of the board, and pursuant to such supervision and control, shall direct all officers charged with the duty of making assessments for taxes in every district in the county.

(i) Such officers shall be subject to and shall, in making assessments, be governed by directions issued by the Administrator pursuant to such rules and orders as shall be issued by the board. However, before making such rules or orders, the board shall submit them to the Director of the Division of Taxation, and no rule or order shall be considered adopted by the board until approved by the Director.

1. The board shall, within 90 days of January 1, 1980, promulgate rules governing the conduct and performance of such officers which rules will have been approved by the Director of the Division of Taxation.

2. If the board does not comply with (i)1 above the board shall then be governed by the rules promulgated by the Director of the Division of Taxation, which rules shall be enforced by the board.

(j) The Administrator shall annually prepare a County Equalization Table on or before March 1 of each year and submit to the board such table showing for each district the items required in the preparation of such table.

1. A copy of the table shall be mailed to the assessor of each district and to the Division of Taxation and be posted at the court house, not later than March 1.

2. The board shall meet annually for the purpose of reviewing the Equalization Table prepared by the Administrator and shall confirm or revise the Table in accordance with the facts before them.

3. The hearings may be adjourned from time to time but the Equalization Table shall be completed before May 10.

4. At the first hearing, any taxing district may object to the ratio or valuation fixed for any other district, but no increase in any valuation shall be made by the board without giving a three-day notice to the governing body and assessor of the taxing district affected.

(k) Any qualified person appointed to the position of assessor shall within 30 days of such appointment notify the respective Administrator of the appointment and shall note if the appointee is in a full-time position or is servicing more than one municipality and the names of such municipalities.

1. Any assessor who intends to terminate his position as assessor shall within 30 days of his termination date notify the respective Administrator.

2. The Administrator shall forthwith notify the Director of the Division of Taxation of any new appointments or terminations.

(l) The assessor shall maintain predetermined and specific hours during which time he or a member of his staff will be available to the general public. Thereafter, at the request of a taxpayer or any member of the public, the assessor shall within five working days thereof, meet by personal appointment, with said taxpayer or member of the public or their representatives.

1. The assessor shall furnish his respective County Tax Administrator with a schedule of these hours together with the fact of his availability for appointment, and also have the same posted in a municipal building in a conspicuous place on or before January 25 of each year.

2. The County Tax Administrator shall summarize these schedules and furnish the Director of the Division of Taxation with this summary on or before February 1 of each year.

3. It should be noted that these hours are not to be construed to be the full working period for the assessor, but it is intended to assure that the assessor or a member of his staff will be available to the general public during predetermined and specific hours.

4. Nothing herein shall be construed to supersede any agreement between the assessor and the municipality with regard to hours of work.

18:12A-1.4 Seal

The seal adopted as the official seal of the board shall be circular in shape, and around the outside margin thereof shall be the words "_____ County Board of Taxation" and shall be used upon all certificates, processes and necessary documents and papers issued and authorized by the board.

18:12A-1.5 Entitling of cause

All proceedings before each board shall be captioned "_____ County Board of Taxation" and shall be entitled in the cause in which said proceedings are held.

18:12A-1.6 Petitions of appeal; cross-petitions of appeal

(a) All complaints concerning property tax assessments, whether by an individual or corporation, shall be by written petition of appeal on forms prescribed by the Director, Division of Taxation, to be furnished to the boards. A petition of appeal filed by a party respondent in a tax appeal shall be denominated as a "cross-petition of appeal" and shall be filed on the same form and subject to the same standards applicable to petitions of appeal. All petitions shall contain the name and address of the taxpayer, the block and lot number or account number of the property and the assessed value of the land and improvement respectively stated, and such other information as the Director may require.

(b) A petition of appeal filed by a party respondent in a tax appeal shall be denominated as a "cross-petition of appeal" and shall be filed on the same form and subject to the same standards applicable to petitions of appeal. Where a petition of appeal is filed within the period covering 19 days next preceding August 15, a respondent shall have 20 days from the date of service to file a cross-petition with the county board of taxation.

(c) A separate petition of appeal shall be received and filed by the board on or before August 15 for each separately assessed property under appeal. Where an appeal involved assessments of more than one property, separate petitions of appeal shall be filed for each property separately assessed unless prior permission has been obtained from the board.

(d) A petition of appeal shall not be accepted for filing by the board unless the petition is duly signed and sworn to or certified by the taxpayer, his attorney or agent, or unless the petition contains an affirmation by the taxpayer, or in the case of an appeal by a taxing district, unless the petition is accompanied by a certified copy of a resolution of a governing body of the taxing district authorizing the appeal. Where all information on the petition is not supplied or the petition is otherwise incomplete, the board shall nevertheless accept said petition for filing but the petitioner shall be afforded 10 days from the date of filing unless additional time shall be granted by the board of appeal within which to complete the petition. All parties shall be given at least five days notice of any additions or changes with respect to the petition of appeal. Failure to complete a petition within such time may result in its dismissal.

(e) A taxpayer who shall file an appeal from an assessment against him shall pay to the collector of the taxing district no less than the first three quarters of taxes assessed against him for the current tax year in the manner prescribed in R.S. 54:4-66 even though his petition to the county board of taxation might request a reduction in excess of one quarter of the taxes assessed for the full year. In the event a taxpayer who has filed a tax appeal has failed to pay the first three-quarters of the current year's taxes and in the further event the municipality appropriately makes an application before the county board of taxation for a dismissal of the petition of appeal, the county board of taxation shall allow the taxpayer a 10-day period of time to pay such taxes prior to the entry of a judgment of dismissal. The 10-day period may be extended by the county board in the interest of justice. If such taxes are not paid within the 10-day period, then the county board of taxation shall enter a judgment dismissing the petition for failure to pay taxes. Such a 10-day period for the payment of taxes should be limited where necessary by the November 15 annual deadline imposed upon county boards by law for the entry of judgments.

(f) Petitioner who alleges discrimination, except where discrimination is claimed pursuant to P.L. 1973, c.123, as amended, and uses comparable sales on other properties as comparisons must affix a schedule to the petition of appeal and to the copy of said petition, giving the name of the owner, block and lot number, assessed valuation as shown in the current tax list and sales price. This rule may be waived in individual cases at the discretion of the board.

(g) A separate petition of appeal shall be received and filed with the board on or before December 1 for each assessment under appeal on the added assessment list.

(h) A separate petition of appeal shall be received and filed with the board on or before December 1 for each assessment under appeal on an assessor's omitted assessment list pursuant to N.J.S.A. 54:4-63.39.

(i) All other appeals from actions or determinations of tax assessors where no time is fixed by statute or by this chapter shall be filed within 60 days from the date of the action or determination appealed from.

(j) A petitioner must file a copy of each petition with the assessor and Clerk personally or by regular mail. The Clerk shall forthwith notify the collector and such other municipal officials as the governing body shall direct. In case of appeal by the taxing district, a copy of the petition must be served on the record owner of the subject property and on the assessor, unless the tax collector has received written notice that the taxpayer is a person, partnership or corporation other than the record owner, in which event a copy of the petition must also be served on the taxpayer. Where petitioner files a petition with respect to another owner's property, he shall furnish a copy of the petition to such owner in addition to all other parties.

(k) Proof of filing may be by receipt stamp of the taxing district or affidavit of service.

(l) If the last day for filing a petition falls on a Saturday, Sunday or a legal holiday, the last day for filing shall be extended to the first succeeding business day.

As amended, R.1975 d.46, effective March 6, 1975.

See: 7 N.J.R. 74(c), 7 N.J.R. 180(b).

As amended, R.1978 d.325, effective September 15, 1978.

See: 10 N.J.R. 457(d).

As amended, R.1979 d.14, effective January 16, 1979.

See: 10 N.J.R. 517(c), 11 N.J.R. 105(d).

As amended, R.1982 d.176, effective June 7, 1982.

See: 14 N.J.R. 231(a), 14 N.J.R. 580(f).

(j) added "assessor and" before "Clerk" and deleted "assessor" before "collector".

As amended, R.1984 d.31, effective February 21, 1984.

See: 15 N.J.R. 1930(b), 16 N.J.R. 380(b).

(d): Substantially amended.

As amended, R.1984 d.330, effective August 6, 1984.

See: 16 N.J.R. 1330(a), 16 N.J.R. 2153(a).

Amended by R.1988 d.110, effective March 7, 1988.

See: 19 N.J.R. 2264(a), 20 N.J.R. 547(b).

Added new (b); renumbered old (b)-(k) as (c)-(l).

Administrative Correction to (j).

See: 21 N.J.R. 3674(c).

Case Notes

Taxing districts held required to take appeals challenging their own assessments as too low by the August 15 deadline; proceeding with appeals beyond deadline through alternative pleadings not allowed; failure to take a timely appeal results in the original assessments standing, where the taxpayers' appeals challenge assessments based on true value, and discrimination cannot be an issue. *F.M.C. Stores Co. v. Boro. of Morris Plains*, 195 N.J.Super. 373, 479 A.2d 435 (App.Div. 1984), affirmed 100 N.J. 418, 495 A.2d 1313 (1985).

Administrative remedies must be exhausted within statutory filing limits to give Tax Court jurisdiction. *Lamantia v. Howell Tp.*, 12 N.J.Tax 347 (1992).

Evidence failed to support a presumption that mailed petition of appeal was received by county board. *Lamantia v. Howell Tp.*, 12 N.J.Tax 347 (1992).

Delivery of appeal to mails does not meet taxpayer's duties with respect to appeal. *Lamantia v. Howell Tp.*, 12 N.J.Tax 347 (1992).

Timely filing of appeal is required to give county board of taxation jurisdiction. *Lamantia v. Howell Tp.*, 12 N.J.Tax 347 (1992).

Late filing with county board of taxation resulted in tax court complaint being dismissed. *Lamantia v. Howell Tp.*, 12 N.J.Tax 347 (1992).

Tax court cannot rule on matter if county board of taxation does not have jurisdiction. *Lamantia v. Howell Tp.*, 12 N.J.Tax 347 (1992).

Taxpayer's failure to make payments required by rule held not an absolute jurisdictional bar to appeal, but issue must be crystallized by municipality through appropriate defensive pleadings, a motion to dismiss or the institution of foreclosure proceedings; statute requires all taxes due for a current tax year to be paid prior to the entry of judgment by the county board of review (citing former rule). *Verden Realty Management Co. v. City of East Orange*, 5 N.J.Tax 637 (Tax Ct.1985).

Rule requires all petitions of appeal to a county board of taxation to contain the taxpayer's name and address; mailing of judgment to the post office address listed on petition, in the absence of attorney representation, or, if the address is lacking, to the post office address listed in the municipal tax records is procedurally proper; service by mail is presumed complete on the date of mailing. *Tolentino v. Oxford Tp.*, 4 N.J.Tax 173 (Tax Ct.1982).

Rule on acceptance of appeal by county tax board requiring a resolution to be appended to a county board petition for the board to have subject matter jurisdiction is not mandatory; factual issue as to whether a borough ever adopted a resolution authorizing an appeal precludes summary judgment for the taxpayer. Fair Lawn Boro. v. Blue Hill Associates, 3 N.J.Tax 55 (Tax Ct.1981).

18:12A-1.7 Filing fees

(a) A filing fee in the amount determined by N.J.S.A. 54:3-21.3 must accompany each petition of appeal filed by the taxpayer and shall be computed on the basis of the total assessment including both lands and improvements, if any.

(b) The filing fee for adding assessment appeals shall be based upon the apportioned valuation indicated on the tax list and duplicate as the prorated assessment.

(c) No filing fee shall be required to contest the denial of an application for:

1. A veteran's deduction;
2. A veteran's widow's deduction;
3. A property tax deduction for persons of the age of 65 or more years, or less than 65 years of age who are permanently and totally disabled and certain surviving spouses;
4. An exemption of a disabled veteran or a widow of a disabled veteran; or
5. A homestead tax rebate.

(d) Where an appeal involves assessments of more than one property, separate petitions of appeal shall be filed for each property separately assessed unless prior permission has been obtained from the board and a separate fee shall be paid for each property for which an appeal has been filed. Where permission is granted pursuant to N.J.A.C. 18:12A-1.6 for the filing of one petition for appeals involving more than one property the filing fee payable shall be an amount equal to the amount that would have been payable had individual petitions been filed separately for each parcel of property.

As amended, R.1980, d.148, effective April 9, 1980.
See: 12 N.J.R. 161(a), 12 N.J.R. 293(d).

18:12A-1.8 Petitions; commercial, industrial properties or multi-dwelling appeals

(a) There shall be annexed to a petition of appeal from an assessment of a commercial, and industrial property or a multi-dwelling (that is, more than a four-family dwelling) an itemized statement showing all sources of income and expenses with respect to such property for the most recently completed accounting year and for such additional years as the board may request.

(b) No appeal shall be heard from the assessor's valuation and assessment with respect to income producing property where the owner has failed or refused to respond to

such written request or to testify on oath when required, or shall have rendered a false or fraudulent act.

(c) The board may impose such terms and conditions for furnishing the requested information where it appears that the owner, for good cause shown, could not furnish the information within the required time.

As amended, R.1975 d.46, eff. March 6, 1975.
See: 7 N.J.R. 74(c), 7 N.J.R. 180(b).

18:12A-1.9 Hearings

(a) The Administrator, with the approval of the board, shall prepare a calendar assigning dates and times for hearings and shall not grant adjournments except for good cause shown.

(b) The board shall give at least 10 days' notice of the time and place of hearing of the appeal to the petitioner, assessor and attorney of the taxing district.

(c) The board may continue hearings from time to time, if necessary.

(d) The board shall permit a petitioner (other than a corporation or a taxing district) to appear in an appeal in his own behalf. No person shall be permitted to appear in an appeal in a representative capacity unless said person is duly licensed to practice law in this State; provided, however, that an attorney of any other jurisdiction of good standing there, may appear at the discretion of the board in any matter subject to the provisions of rule 1:21-2 of the Rules Governing the Courts of New Jersey. This rule may be waived in cases of extreme hardship; that is, old age, illiteracy and the like.

(e) A petitioner shall be prepared to prove his case by completion and competent evidence. In the absence of some evidence, the board may dismiss the petition. In the case of failure to appear, the board may dismiss the petition for lack of prosecution.

(f) When a case is set down for hearing, the assessor of the taxing district involved shall attend said hearing together with counsel for the taxing district, unless the board shall in individual cases decide otherwise.

(g) Where the assessed valuation is determined by the "capitalization of income" method, the assessor shall produce at the hearing a copy of the property record card for the property under appeal, showing his computation of the capitalization of income.

(h) A party intending to rely on expert testimony shall furnish to the board three copies of a written appraisal report and shall furnish one copy of the appraisal report to each opposing party at least one week prior to the hearing. If the municipality intends to rely on its tax assessor or a representative of a revaluation company as its expert and if

such testimony will involve data and analysis which is not reflected on the property record card, the municipality shall furnish to the board three copies of a written report reflecting such data and analysis and shall furnish one copy of the report to each opposing party at least one week prior to the hearing. At the request of a taxpayer-party, the municipality shall also furnish that party with a copy of the property record card for the property under appeal at least one week prior to the hearing. The board in its discretion and in the interest of justice may waive the requirements for the submission of written reports.

(i) Any settlement agreed upon between the parties shall be in writing, on a form approved by the Director, Division of Taxation, signed by the parties or their attorneys and shall indicate if the assessor is in agreement with the settlement. Such proposed settlement shall include the basis for the settlement and shall be submitted to the board for approval without the necessity for an appearance by the parties or their attorneys unless the board requests such an appearance by the parties or their attorneys. If the board approves the settlement, the board shall enter judgement in accordance with the terms thereof. If the board disapproves the settlement, the board shall notify the parties of such disapproval and schedule a hearing date for the appeal.

(j) The board may, as occasion shall require, by order, refer any appeal or other matter pending before it to one or more of its members for the purpose of taking testimony and reporting thereon to the board for appropriate action.

(k) No person shall testify at a hearing of the board concerning an assessment unless he shall have inspected the property.

(l) No assessor shall appear before the board as an expert witness against another assessor or taxing district within the State except to defend the assessment of his taxing district.

As amended, R.1975 d.46, eff. March 6, 1975.
See: 7 N.J.R. 74(c), 7 N.J.R. 180(b).
As amended, R.1979 d.14, eff. January 16, 1979.
See: 10 N.J.R. 517(c), 11 N.J.R. 105(d).
As amended, R.1984 d.330, eff. August 6, 1984.
See: 16 N.J.R. 1330(a), 16 N.J.R. 2153(a).

Deleted old (h) and inserted new.
Subsection (i) substantially amended.
As amended, R.1984 d.580, eff. December 17, 1984.
See: 16 N.J.R. 2760(a), 16 N.J.R. 3480(b).

(f): Deleted "or a member of the board of assessors" from text.

Case Notes

Municipality's appraisal expert could testify in challenge to real property assessments. *Jablin v. Northvale Borough*, 13 N.J.Tax 103 (A.D.1991).

New Jersey taxation of Missouri corporation with minimum nexus to New Jersey did not violate commerce clause. *Mark Andy, Inc. v. Taxation Div. Director*, 8 N.J.Tax 593 (1986).

Small relative size of New Jersey revenue generated by Missouri corporation did not preclude imposition of business tax. *Mark Andy, Inc. v. Taxation Div. Director*, 8 N.J.Tax 593 (1986).

Missouri corporation that actively solicited New Jersey customers was "doing business" in New Jersey for tax purposes. *Mark Andy, Inc. v. Taxation Div. Director*, 8 N.J.Tax 593 (1986).

18:12A-1.10 Subpoenas

Subpoenas to compel the attendance of witnesses and the production of books and records at hearings shall be furnished by the board without cost upon request.

18:12A-1.11 Record of proceedings

The board may record all proceedings before it involving tax appeals, and, if recorded, shall furnish a transcript of the record of any appeal to any party to that appeal upon request, and upon payment of a reasonable fee to be fixed by the board.

18:12A-1.12 Determination; judgments

(a) A majority of the members of the board shall constitute a quorum for the transaction of business, and any action or determination agreed to by such majority shall be taken as the action of the board.

(b) In order to provide for a more orderly appeal procedure, county boards of taxation shall, effective immediately, institute the procedures herein described with respect to the issuance of judgments.

1. Valuation appeals.

i. The judgment shall indicate separately the assessed value of the land, improvements and the total of same.

ii. The judgment shall also indicate the determination of the county board of taxation separately for land, improvements and total.

iii. In the case of affirmance or dismissal and there is no change in valuations, the judgment shall indicate, in lieu of (b)1ii above, the words "Affirmed" or "Dismissed", or any phrase indicating an appropriate disposition.

2. Other appeals. In all appeals not involving property valuations, the judgment shall indicate the county board's disposition, as appropriate.

3. Written memorandum of judgment.

i. The President of the Board shall have the responsibility for overseeing the writing of the written memorandum of judgment required pursuant to R.S. 54:3.26, and each memorandum shall be under his signature as well as the signature of any other member of the board who participated in the rendering of the county board judgments on appeal.

ii. Judgments must be considered to be the action of the board and must be agreed upon by the majority of such board.

iii. The board shall transmit a written memorandum of its judgment to the assessor of the taxing district and to the taxpayer setting forth the reasons on which such judgment was passed on the form prescribed by the Director of the Division of Taxation, and the procedures set forth by him.

4. Date of judgment. All judgments must indicate the date determined, as follows:

“Judgment filed this _____ day of _____, 19____
 or
 “Dated: (state date)”.

5. Size and reproduction.

i. The judgment shall be uniform size 8½ x 11 inches and be such that it is capable of reproduction on a copier machine.

ii. Judgments must contain the following statement:
 “The action of the county board of taxation may be reviewed by filing a complaint with the Tax Court within 45 days of the service of the judgment of the county board of taxation.”

Address:

Tax Court of New Jersey
 Hughes Justice Complex
 Trenton, New Jersey 08625

Mailing Address:

CN 972
 Trenton, New Jersey 08625.

6. County boards should endeavor to send out judgments at the time decided or as soon thereafter as practical, and not hold them until November 15. Earlier disposition will assist the Tax Court in the processing of its case load.

(c) Upon entry of any judgment involving the appeal of a homestead tax rebate, veteran’s deduction, or a property tax deduction for persons of the age of 65 or more years, or less than 65 years of age who are permanently and totally disabled and certain surviving spouses, the county board shall, within 10 days from the date of such entry, forward a copy of said judgment to the Division of Taxation, Local Property and Public Utility Branch.

As amended, R.1979 d.385, eff. September 28, 1979.
 See: 11 N.J.R. 595(b).
 As amended, R.1980 d.40, eff. January 17, 1980.
 See: 12 N.J.R. 97(b).
 As amended, R.1981 d.478, effective December 21, 1981.
 See: 13 N.J.R. 621(a), 13 N.J.R. 948(c).

(c) added.
 As amended, R.1984 d.580, effective December 17, 1984.
 See: 16 N.J.R. 2760(a), 16 N.J.R. 3480(b).
 Changed address.

Case Notes

Time for seeking review in tax court did not commence where county board failed to serve attorney of record for property owner. Estate of Frankel v. Borough of Hillsdale, 10 N.J.Tax 213 (1988).

Rules do not provide any procedure concerning the method of transmitting memoranda of judgments of the county boards of taxation to taxpayers; service by mail held sufficient; presumption of service by mail not rebutted in instant case. Tolentino v. Oxford Tp., 4 N.J.Tax 173 (Tax Ct.1982).

18:12A-1.13 Freeze Act

(a) When an assessment is subject to the “freeze” provisions of N.J.S.A. 54:51A-8 or 54:3-26, there shall be no increase in the assessment for any tax year subject to such “freeze” except upon petition first filed with and granted by the Board.

(b) If the taxing district alleges that there has been a change in the value of the property occurring since the date of such assessment, the taxing district shall file a petition with the Board together with proof of service thereof upon the owner of the property to increase the amount of the assessment. Such petition shall specifically set forth the nature of the changes relied upon as the basis for the claim that there has been a change in value of the property. A copy of the petition shall be served upon the owner of the subject property prior to the filing of the petition with the Board.

(c) A judgment entered by a county board of taxation which is not further appealed by a party shall be deemed to be binding and conclusive upon the municipality and tax assessor for the tax year in question and the two tax years immediately thereafter unless a revaluation, reassessment or change in value has occurred subsequent to the assessing date.

(d) A taxpayer may waive the application of the Freeze Act for one or both of the tax years affected and such waiver of the freeze shall be reflected in a judgment entered by the county board.

(e) A taxpayer may apply to the county board within a reasonable period of time upon proper notice to the municipality seeking the enforcement of the Freeze Act with regard to a judgment previously entered by the county board.

As amended, R.1984 d.330, effective August 6, 1984.
 See: 16 N.J.R. 1330(a), 16 N.J.R. 2153(a).
 New (c) through (e).
 As amended, R.1984 d.580, effective December 17, 1984.
 See: 16 N.J.R. 2760(a), 16 N.J.R. 3480(b).
 Substituted “54:51A-8” for “54:2-43”.

Law Review and Journal Commentaries

Taxes—Freeze Act—Reassessments. Steven P. Bann, 136 N.J.L.J. No. 5, 74 (1994).

Case Notes

“Final” judgments under Freeze Act can be either after trial on the merits or pursuant to settlement. *Union City Associates v. City of Union City*, 223 N.J.Super. 316, 538 A.2d 836 (A.D.1988), certification granted 111 N.J. 607, 546 A.2d 527, reversed 115 N.J. 17, 556 A.2d 769.

Judgment entered as housekeeping matter after appeal filed is not “final” under Freeze Act. *Union City Associates v. City of Union City*, 223 N.J.Super. 316, 538 A.2d 836 (A.D.1988), certification granted 111 N.J. 607, 546 A.2d 527, reversed 115 N.J. 17, 556 A.2d 769.

18:12A-1.14 Revaluations; reassessments

(a) Regarding voluntary revaluation, when a taxing district proposes to revalue real property in said district voluntarily it must notify the Board of such intent and must obtain approval of the revaluation contract from the Director, Division of Taxation as prescribed by law (N.J.S.A. 54:1-35.35 et seq. and N.J.A.C. 18:12-4.1 et seq.).

(b) Regarding revaluation orders by county board of taxation, when a board determines the need to order a taxing district to revalue its real property, it shall submit the proposed order to the Director, Division of Taxation, for his or her approval outlining the reasons that warrant such action. Upon approval of such order, the Board shall take appropriate action to implement same.

1. The following criteria shall be utilized by a board when it is considering a proposal to order a taxing district to conduct a revaluation. The results of a board’s findings with respect to these criteria and all other bases for issuing a revaluation order shall be attached to the written order when it is submitted to the Director of the Division of Taxation for approval.

i. General coefficient of deviation: This is an average deviation from average assessment ratio expressed as a percentage of average assessment ratio for each taxing district, for all properties included in “usable sales”. It is a measure of variation in assessment-sales ratio of all properties sampled without regard to property class, property size, or any other property characteristic.

ii. Stratified coefficient of deviation: This is an average deviation of assessment ratios for all usable sales of each property class from average assessment ratio for the class. It provides a measure of assessment uniformity for properties within each class, but provides no insight into comparability of assessment levels as among property classes.

iii. Segmented coefficient of deviation: This is an average deviation of assessment ratios for all “usable sales” of each property class from average assessment ratio for all properties of all classes expressed as a percentage average assessment ratio for all properties of all classes. It provides a measure of uniformity or lack thereof of one property class compared to other property classes.

(1) For the above purpose, a coefficient of deviation above 15 generally denotes lack of uniformity in assessments.

iv. Assessment-sales ratios: A source of information for ascertaining assessment-sales ratios is the data gathered in the equalization program for the distribution of State school aid. A continual decline of assessment-sales ratios in a district from the percentage level of taxable value established by a board is an indication of a lack of maintenance of the assessment list. However, a declining ratio does not provide any insight into the level of uniformity of assessment and in and of itself does not imply any automatic judgment with respect to lack of uniform assessments.

v. Individual assessment-sales ratios: The individual sales are listed in order of ratios established from the lowest to the highest. A wide divergence of ratios as opposed to a clustering of ratios at a common level would be indicative of a lack of uniformity in assessments.

vi. Class weighted ratios: The weighted ratio of a property class basis is found by dividing the total ratables of a property class by the total true value of that property class. Uniformity between property classes is indicated when the class weighted ratios are in conformity with each other. Wide variances in class weighted ratios are an indication of a lack of uniformity in assessments between property classes.

vii. District weighted ratio: The district weighted average ratio is found by adding the total ratables for each of the four property classes and dividing the sum by the total true value for all classes of real property. A district weighted ratio, which is based on usable sales for the most recent sample period, is indicative of whether there is compliance with the adopted percentage level of assessment established by a county board of taxation.

viii. Neighborhood and zoning changes: The need for a revaluation program may be indicated by neighborhood and zoning changes which affect value in part or all of a taxing district. Changes in uses permitted by zoning may substantially increase or decrease the value of property. A revaluation order citing changes in zoning as its basis must delineate the impact of zoning changes as the change relates to assessments.

ix. Lack of adequate records: A lack of adequate records, such as property record cards, which cause difficulty for the assessor in arriving at a sound assessment, is indicative of the need for a revaluation. The absence of essential information which may affect assessments is detrimental to the valuation process and may impede the maintenance of an assessment list. The absence of information relating to changes made to improvements such as failure of property owners to secure building permits or copies of building permits not being furnished to an assessor is a contributory factor resulting in the lack of uniform assessments.

2. The assessor of a municipality directed to undertake a revaluation shall file with the county tax administrator a written plan detailing measures that are being taken or have been accomplished to comply with the terms and provisions of the approved revaluation order issued by the county board of taxation. The assessor shall submit the report on Form RCR (Revaluation Compliance Report), prescribed by the Director of the Division of Taxation, within 30 days of notice of the order and the first of each month thereafter, until approval of a contract for revaluation has been obtained from the Director of the Division of Taxation.

(c) An assessor proposing to revise and update assessments shall submit an application to perform a reassessment with the county board of taxation.

1. The application shall be completed on Form AFR (Application for Reassessment) as prescribed by the Director of the Division of Taxation.

2. The county board shall review the application within 30 days of its submission and forward a copy to the Director of the Division of Taxation with a recommendation of approval or disapproval. In the case of a recommendation of disapproval, the Director shall be advised of the reason.

3. Within 30 days of receipt of the application and the board's recommendation, the Director shall advise the county tax administrator of his or her determination as to whether the assessor may proceed with the reassessment program. In the case of disapproval, the Director shall specify the reason for his or her determination.

(d) The assessor of a district that has received approval of a contract for revaluation or an application to perform a reassessment shall submit a plan of work to the county tax administrator within 30 days of such approval. Thereafter, a report on the status of the revaluation or reassessment, as the case may be, shall be filed with the county tax administrator every 30 days until the program has been completed and the tax list has been filed with the county board of taxation.

1. The plan of work and revaluation progress report shall be completed on Form POW/RSR (Plans of Work/Revaluation Status Report) as prescribed by the Director of the Division of Taxation, and include the following information:

- i. A listing of all major activities and functions to be performed during the course of the revaluation or reassessment;
- ii. An indication, in the case of a revaluation, as to whether the assessor or the revaluation firm will be responsible for the performance of each listed activity or function;
- iii. The overall anticipated starting and completion date of each listed activity or function;

iv. The breakdown of units, portion or percentage of work activities or functions that are targeted to be started and completed during each month of the revaluation or reassessment program;

v. The breakdown of units, portion or percentage of work activities or functions that have been completed during the month for which the progress report is being submitted; and

vi. Any revision or change in schedule from the previously submitted plan of work or progress report.

(e) The board shall require that the assessor of a taxing district shall actively participate in any such revaluation program and shall be familiar with all facets of such program.

(f) In case of an approved reassessment, the provisions of N.J.S.A. 54:3-22f shall be applicable with respect to the year in which the program becomes effective.

(g) Where a contract for a revaluation under (a) or (b) above has been entered into by a municipality with an appraisal company, the Director of the Division of Taxation, before approving or disapproving said contract, shall forward a copy thereof to the county tax administrator for his or her review and comment. The county tax administrator shall submit his or her comment respecting the contract to the Director within two weeks. In the event that the county tax administrator fails to respond to said request within the prescribed period, the Director shall proceed with his or her review and approve or disapprove the contract, as provided by law.

As amended, R.1979 d.217, effective June 4, 1979.
See: 11 N.J.R. 263(b), 11 N.J.R. 359(b).
Amended by R.1990 d.339, effective July 16, 1990.
See: 22 N.J.R. 1350(a), 22 N.J.R. 2183(b).

Assessor required to file plan, schedule and monthly status reports; county taxation board and Division approval required for reassessment initiated at municipality.

18:12A-1.15 Practice and procedure

(a) In the absence of a rule covering any matter at issue, the rules of the Tax Court insofar as they may be applicable, shall govern.

(b) The rules applicable to the Tax Court regarding pretrial discovery shall be applicable to the county boards of taxation except as follows:

- 1. Initial interrogatories shall be served within 10 days following the deadline for filing petitions of appeal with the county board of taxation.
- 2. The party served with interrogatories shall serve his answers thereto upon the party propounding them within 20 days after service of such interrogatories upon him.
- 3. All discovery shall be completed at least seven days before the scheduled hearing date.

4. Upon motion by any party to an appeal and for good cause shown, the county board of taxation may make any order which justice requires either to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense or to require a party or person to comply with specific discovery demands.

As amended, R.1984 d.330, effective August 6, 1984.
See: 16 N.J.R. 1330(a), 16 N.J.R. 2153(a).
(b) added.

Case Notes

Direct appeal to tax court did not preempt jurisdiction of county tax board. *Union City Associates v. City of Union City*, 223 N.J. Super. 316, 538 A.2d 836 (A.D.1988), certification granted 111 N.J. 607, 546 A.2d 527, reversed 115 N.J. 17, 556 A.2d 769.

Time for seeking review by tax court never commenced running due to failure to serve attorney of record. *Estate of Frankel v. Borough of Hillsdale*, 10 N.J. Tax 213 (1988).

Letter to county board constituted motion for reconsideration. *Ipine Borough v. Gilbert*, 10 N.J. Tax 537 (1989).

Untimely motion for reconsideration failed to toll time for taking appeal. *Alpine Borough v. Gilbert*, 10 N.J. Tax 537 (1989).

18:12A-1.16 Tax assessment lists and duplicates; EDP

(a) All tax assessment lists and duplicates shall be typewritten unless an accounting machine is used. The tax list shall be the original and the tax duplicate shall be an exact copy of the tax list.

(b) With respect to counties employing electronic data processing, all tax assessment lists and duplicates shall be prepared in accordance with the specifications incorporated in the electronic data processing program as developed by the State of New Jersey, Division of Taxation, as modified.

(c) The tax list shall be the original and the tax duplicate (now designated as the intermediate tax duplicate) shall be an exact copy of the tax list.

(d) There shall be an additional list produced which shall be designated as the extended tax duplicate. The extended tax duplicate shall contain the identical information as that which is on the tax list filed on January 10, reflecting the results of any corrections, revisions and additions by the county board of taxation pursuant to N.J.S.A. 54:4-46. In addition, the extended tax duplicate shall reflect the appropriate extensions after having the tax rate applied to the taxable ratables.

(e) All tax lists must comply with the specifications and contain all related reports as set forth by the Local Property and Public Utility Branch.

(f) The administrator of each county board of taxation shall designate the critical dates as to the submission of change forms to effectuate the electronic data processing program, in keeping with the administrative procedure now in force with respect to the EDP program used for the construction of the tax rolls and satellite reports.

(g) All tax lists must comply with the specifications of the Director, Division of Taxation, as promulgated in N.J.A.C. 18:12-1 through 18:12-3. Each board may adopt such procedure as it deems necessary to implement the specifications in the EDP program as adopted by the Director, Division of Taxation.

(h) An approved household improvement exemption (chapter 104, Laws of 1975) shall be indicated on the assessors' tax list and duplicates by the symbol "H". The symbol "H" and the amount of the exemption shall be shown in column seven of the assessors' tax lists and duplicates.

(i) There shall be an additional list produced which shall be designated as the "Chapter 104 Record List". This list shall contain the following data:

1. Name and code numeral of county and taxing district;
2. Name and address of owner;
3. Block number, lot number and qualification code, if any, as shown on the official tax map of the taxing district;
4. Effective date(s) of the exemption(s);
5. Total of exemption(s) for each tax year;
6. Expiration date of each exemption.

Amended by R.1974 d.242, effective August 30, 1974.
See: 6 N.J.R. 327(a), 6 N.J.R. 414(c).
Amended by R.1977 d.131, effective April 14, 1977.
See: 9 N.J.R. 146(a), 9 N.J.R. 245(b).

18:12A-1.17 Filing of sales ratio data

(a) The sales ratio data is required by the Director of the Division of Taxation to fulfill certain statutory responsibilities. The following time schedule concerning the filing of sales ratio data shall be followed.

1. Flow of SR-1A form:
 - i. Within 10 days after receipt of an abstract of deed, the board shall prepare an SR-1A form and forward same to the tax assessor of the taxing district within which the property sold is located;
 - ii. The tax assessor shall complete section 2 of the SR-1A form and return the original and two copies to the board within three weeks after the receipt of said form;
 - iii. Upon receipt of the SR-1A form from the tax assessor, the board shall forward the SR-1A form to the Local Property and Public Utility Branch within one week.

2. Flow of SR-6 form: Each tax assessor within the county shall examine the preliminary grantor listings which summarized the SR-1A information previously submitted. A tax assessor shall forthwith file an informal petition of correction (SR-6 form) with the Local Property and Public Utility Branch if he obtains additional information concerning whether the sale is usable or nonusable for sale ratio purposes.

3. Flow of SR-3A form: Each tax assessor shall submit to the board the real property classification form (SR-3A) in accordance with N.J.S.A. 55:4-26 not later than January 10 of the tax year.

4. Each board shall submit said forms to the Local Property and Public Utility Branch, Division of Taxation, not later than April 15 of the tax year.

Case Notes

Expiration of time for taking appeal requires that school aid table be fixed. *Fort Lee Borough v. Director, Div. of Taxation*, 12 N.J.Tax 299 (1992), affirmed 13 N.J.Tax 323, certification denied 134 N.J. 563, 636 A.2d 521.

Expiration of time for challenging school aid table precludes challenge to previous year component. *Fort Lee Borough v. Director, Div. of Taxation*, 12 N.J.Tax 299 (1992), affirmed 13 N.J.Tax 323, certification denied 134 N.J. 563, 636 A.2d 521.

18:12A-1.18 Conflict of interest

No commissioner or employee of a county board of taxation shall have any interest whatsoever, directly or indirectly, as an officer, stockholder or employee, or in any other capacity, in a revaluation firm engaged in revaluing properties in any taxing district within that county.

Amended by R.1994 d.81, effective February 22, 1994.
See: 25 N.J.R. 4951(a), 26 N.J.R. 1110(a).

18:12A-1.19 Posting of rules and regulations

(a) A copy of these rules and regulations, as prescribed by the Director, Division of Taxation, and as they may be amended, shall be posted in a permanent place in the office of each county board of taxation and in the office of the assessor of each taxing district.

(b) Copies of these rules, as provided by the Division of Taxation, shall be made available by the board to any person who may request them.

18:12A-1.20 Appeals; late filing

(a) Where a petition or cross-petition of appeal to a county board of taxation is actually received by the board after April 1 of the tax year (except if April 1 shall fall on a

Saturday, Sunday or holiday, then after the first business day immediately thereafter), the county board of taxation or the county tax administrator, if authorized by the board by resolution, shall not accept said petition or cross-petition of appeal for filing but shall forthwith return the same to the person filing it, together with the filing fee, if the filing fee accompanied said petition or was otherwise paid. The petition or cross-petition to be returned shall have endorsed thereon the date of receipt and a statement "Petition or cross-petition is returned by reason of late filing", and shall be accompanied by a judgment of dismissal by the county board of taxation for late filing.

(b) Where a cross-petition of appeal to a county board of taxation is actually received by the board after the 20th day following the date of service noted on the petition of appeal (except if the 20th day shall fall on a Saturday, Sunday or holiday, then after the first business day immediately thereafter), the county board of taxation or the county administrator, if authorized by the board by resolution, shall not accept said cross-petition of appeal for filing but shall forthwith return the same to the person filing it, together with the filing fee, if the filing fee accompanied said cross-petition or was otherwise paid. The cross-petition of appeal to be returned shall have endorsed thereon the date of receipt and a statement "Cross-petition is returned by reason of late filing" and shall be accompanied by a judgment of dismissal by the county board of taxation for late filing.

Amended by R.1981 d.44, effective February 4, 1981.
See: 13 N.J.R. 44(d), 13 N.J.R. 165(a).

Effective date material deleted and material concerning appeal to a county board of taxation added.

Amended by R.1984 d.330, effective August 6, 1984.
See: 16 N.J.R. 1330(a), 16 N.J.R. 2153(a).

"or cross-petition" added.

Amended by R.1988 d.110, effective March 7, 1988.
See: 19 N.J.R. 2264(a), 20 N.J.R. 547(b).

Added (b).

Amended by R.1993 d.481, effective October 4, 1993.
See: 25 N.J.R. 2653(a), 25 N.J.R. 4604(b).

Case Notes

Direct appeal to tax court did not preempt jurisdiction of county tax board. *Union City Associates v. City of Union City*, 223 N.J.Super. 316, 538 A.2d 836 (A.D.1988), certification granted 111 N.J. 607, 546 A.2d 527, reversed 115 N.J. 17, 556 A.2d 769.

Taxing districts held required to take appeals challenging their own assessments as too low by the August 15 deadline; proceeding with appeals beyond deadline through alternative pleadings not allowed; failure to make a timely appeal results in the original assessments standing, where the taxpayers' appeals challenge assessments based on true value, and discrimination cannot be an issue. *F.M.C. Stores Co. v. Boro. of Morris Plains*, 195 N.J.Super. 373, 479 A.2d 435 (App.Div. 1984), affirmed 100 N.J. 418, 495 A.2d 1313 (1985).