

By Joe Catalano

NASSAU AND SUFFOLK homeowners who want to challenge their property assessment this year should be preparing now.

The grievance period in both counties is May 1-18. The deadline for New York City homeowners was earlier this month.

This annual ritual, in which a successful challenge results in lower property taxes for a homeowner, attracts more participants each year. In Nassau, 34,691 grievances were filed in 1992, up from 28,186 the year before.

To win a grievance, an owner must prove that his or her home is assessed higher than similar homes in the area. The owner must file a protest with the board of assessment review in the municipality or, in New York City, with the tax commission. They can do this themselves, or hire a lawyer or other specialist who will typically charge one-half of the first year's assessment reduction.

If no assessment reduction is granted, or if the owner is unhappy with the amount of the reduction, the decision can be appealed in a small claims assessment review.

In Nassau, many cases are being settled in the assessor's office, eliminating the need for a review, said Linda Held, an Oyster Bay lawyer who represents homeowners. In Suffolk, conferences are held between hearing officers and town assessors to settle cases and keep them out of court, said

Owners Fight Back

Time to challenge assessments

Paul Michael Henry, president of Tax Reduction Services Inc. in Greenport, which represents property owners.

In both counties, staff cuts have made it difficult to keep up with the increasing number of challenges. It's unlikely every case filed last year in Suffolk will be heard before May 1 when the new grievance period begins, said James Gowan, administrative judge overseeing the county's court system. In Nassau, it's unclear whether all review petitions will be heard before May 1, said Tom Preston, spokesman for the Nassau County Board of Assessors.

Suffolk homeowners who filed challenges last year and didn't receive a hearing must file a grievance again this year. Any reduction will be retroactive to the first filing date. It's still being determined whether Nassau homeowners must refile, Preston said. However, lawyers recommended that Nassau homeowners refile.

Before filing a challenge, owners should calculate the value of their house as determined by the municipality. Call the assessor's office and ask for the residential assessment ratio, which is designed to insure that similar properties are assessed at the

same rate.

To determine the indicated value of your house, divide the assessment on your tax bill by the ratio. For example, in Nassau the ratio for last year was 3.32 percent. If the home's assessment is \$5,000, divide that by .0332 for a value of \$150,602.

If you think your home is worth less than the indicated value, you may have ground for an assessment challenge. But you will need evidence. The best bet: the price of the home if it was purchased in the last year. Other evidence can be an appraisal or comps — information on recent sales of homes in the area that are similar to your own. Comps can be obtained from appraisals, from home sales reported in newspaper real estate sections or by visiting the county clerk's office and asking for recent sales in the area.

Challenge petitions are filed with the town assessor in Suffolk or the county assessor's office in Nassau. These offices have applications and a booklet, "How to File a Complaint on Your Assessment," which details the grievance process.

Held offered two filing tips. Check box A on the application as the rea-

son for challenging. This means that you believe your assessment is unequal compared to other homes. Also, ask for a larger reduction than you believe you are entitled to. The board can't grant a reduction larger than what you asked for, even if you are entitled to it, Held said.

If possible, appear in person. In Suffolk, homeowners can take their application to the board of assessment review on grievance day, May 18. In Nassau, residents must check a box on the application requesting an appointment. Not everyone receives an appointment.

Both your application and oral argument should provide evidence that your assessment is higher than those of similar homes in the area, said Walter Maclyn Conlon, a partner in the Hauppauge law firm Mars, Sloane & Conlon. Include photos of your house and comparable houses, and detail square footage and features of the houses, focusing on amenities other houses have that yours doesn't.

It takes about six weeks to hear from the board of assessment review, said Henry of Tax Reduction Services. After receiving the ruling, you have 30 days to apply for a small claims assessment review. The filing fee is \$25.

A hearing will be scheduled in which you, or your representative, and the assessor will testify before a hearing officer, usually a real estate broker or lawyer.

Joe Catalano is a free-lance writer.