

COOK COUNTY BOARD OF REVIEW

ATTORNEY PRESENTATION FOR THE 2023 TAX YEAR SESSION



COMMISSIONERS

Commissioner | District 1

George A. Cardenas

Commissioner | District 2

Samantha Steele

Commissioner | District 3

Larry R. Rogers, Jr.













- Welcome
- Cook County Board of Review Requirements and Procedures
 - 2023 Tax Year Appeal Session
- Intervenor Rules
- 2023 DAPS Enhancements- Password Reset
- 2023 Data Compilation Subscription Service
- Oral Hearings for 2023
- BOR Best Practices
- Attorney Substitution Check List
- Disaster Relief
- Unauthorized Practice of Law and Practitioner Expectations
- Important Dates for the 2023 Session
 - Exemptions, Prefiling Townships, and Opening Dates for Group 1 & 2





COOK COUNTY BOARD OF REVIEW REQUIREMENTS AND PROCEDURES FOR THE 2023 TAX YEAR APPEAL SESSION

- Cook County Board of Review Rules Revisions
- Mandatory Historical Summary Form
- 2023 Intervenor Valuation Rules
- 2023 Exemption Rules





Highlights Of The Cook County Board of Review Rules Revisions and Enforcement of Existing Rules





Only licensed attorneys and individual taxpayers representing themselves ("*pro se*") may practice before the Board. Individual taxpayers may represent properties titled in their name *pro se* or retain an attorney to represent them before the Board. All parties, other than *pro se* taxpayers, must be represented before the Board by an attorney. Other taxpayers, including but not limited to entities such as corporations, LLCs, condominium associations and the like, must be represented by an attorney. A person who is not an attorney may not represent a taxpayer before the Board.²





All attorneys shall file an Attorney Authorization Form and the filing of the Attorney Authorization Form shall constitute a certification that the attorney has been specifically authorized to file the complaint by the taxpayer and is the only attorney so authorized. The Board requires that attorneys provide an authorization form for all appeals including representation of any party *pro bono*. Only the Board's original Attorney Authorization Form may be submitted. The Form may not be altered in any way from its original format, language, or in any other manner.

The Attorney Authorization Form must be submitted before the finalization of the Board complaint via its online system or at the time of complaint submission. Late Authorizations will not be accepted. Authorizations will not be accepted.



2023 COOK COUNTY BOARD OF REVIEW ATTORNEY AUTHORIZATION FORM



Attorney Authorization Form 2023 Session

THE PARTY SANGERS		
2023 Complaint No.	Township:	
PIN(s):		
Address:		
City:	State: ZIP Code:	
A	TTORNEY AUTHORIZATION	
1 am a/an (check applicable)		
owner, executor, tr	rust beneficiary of this property; or all estate taxes of the property for this tax year; or	
	estate taxes of the property for this tax year; or	
a duly authorized officer of the		
Corporation, Partnership, LL	\mathcal{E}_{s} or other entity which owns the property descri	bed above.
I have personal knowledge that the p	and the state of t	
has not been purchased since Ja		
	tanuary 1, 2020 (complete below)	
Purchase Price: 5	Date of Purchase:	
For assessment year 2023, I explicitly a	suthorize the following Attorney/law firm:	
to recovered the bullions the Contr Cou	only Board of Review in connection with the asset	oward of the above mentioned
	ed by law pursuant to Section 1-109 of the Code of	
certifies that the statements set forti	in this instrument are true and correct, except a	s to matters therein stated to be
	matters the undersigned certifies as aforesaid th	at he/she verily believes the sam
be true.		
Signature of Affiant /Owner/Appellar	t Print Name of Affant / Owner/Appellant	Dute:
	attorney/client relationship with the affiant and the	
assessed valuation complaint and sup	ndersigned certifies that the statements sat forth	
assessed valuation complaint and sup of the Code of Civil Procedure, the ur and correct, except as to matters the	ndersigned certifies that the statements sat forth rein stated to be on information and belief and as	
assessed valuation complaint and sup of the Code of Civil Procedure, the ur	ndersigned certifies that the statements sat forth rein stated to be on information and belief and as	





Complaints must be filed on the official complaint form prescribed and adopted by the Board pursuant to 35 ILCS 200/16-105 (formerly Ill. Rev. Stat., Chap. 120, para. 595, Sec. 114), as the official complaint forms for complaints on real estate assessments or filed through the Board's online system. All sections on the form must be completed. No other copy or reproduction of this complaint form will be valid. FACSIMILE FILING OF THE COMPLAINT FORM IS NOT PERMITTED.





Hearings will be held at the times and dates set by the Board. The Board will notify the taxpayer or his/her attorney of the time and date of the hearing. The taxpayer or his/her attorney may request an oral argument. The Board, in its discretion, may limit the time for an oral argument. The Board may also, in its exclusive discretion, determine the manner-in-which hearings are to be held. The Board has_determined there is good cause to conduct hearings via non-in-person means. The Board will communicate those procedures to appellants and/or their counsel as well as provide notice to the public via the Board's website prior to the hearing. Should any member of the public wish to observe a hearing for any docket, the procedures can be found the Board will post those procedures on its website. The Board will provide the Assessor with notice of all hearings requested.

Should the Assessor opt to participate in a requested hearing, the Assessor shall serve on the Board and all parties Notice of Motion for the Opportunity to Be Heard, the substance of which must be in substantial compliance with the form established by the Chief Clerk. The Assessor must serve this Notice of Motion and Motion on the Board and all parties not more than seven days after the close of the evidence submission deadline. The Board will accept service via email.

An attorney shall be limited to eight (8) dockets per hearing call and a maximum of 45 hearings per group. This limit may be lifted only upon a showing of good cause and may be granted at the Board's discretion.



There is no need for any appellant or their attorney to present any documents at the hearing as the evidence submission date will have already passed. Except when good cause is shown, no continuance of the hearing or request to extend the time for filing documents will be granted.

Late evidence will not be accepted by the clerk's office. Only late evidence provided in response to a request of the Board made at the hearing or indicated in the case file, notes or decision of the Board will be accepted and considered on Rereview.

Failure of a party to appear on the date and at the time specified in the notice of hearing shall constitute a waiver of the right of an oral argument. Where the date for hearing or filing of documents has been extended, failure of a party to appear on the date and time to which the hearing has been re-set or to file the documents within the period of extension, as the case may be, the Board will make its decision considering the file on the extended date and the authority of the Board. Rules Regarding Evidence in Support of an Assessed Valuation Appeal







All parties must file their documents no later than the time period set by the Board following the closing of the Township for both desk review and hearing files. The Board, at its sole discretion, may order an additional hearing.

For properties other than for class 2 residential subjects, all parties shall submit a brief as well as a complete Historical Summary Form.

The brief shall include a color photo of the front of the subject taken within the previous twelve months and that accurately shows the condition of the property as of the lien date.

The Historical Summary Form must be completed in its entirety. The existence of any transfers or appraisals must be disclosed. If an appellant believes any value listed on the Historical Summary Form is not indicative of fair market value, that should be addressed in the brief. Please note that this Historical Summary Form takes the place of Hotel/Non-Hotel Summary Form.



HISTORICAL SUMMARY FORM IS MANDATORY

Historical Summary Form				
For Filing Year			2022	
Complaint No.		73-10000-001		
Lead PIN		14-07-300-007-0000		
Township		LAKE VIEW		
Appellant		JOSEPH P SKROKO		
Property Address		5141 WESTERN AVE N		
Subject Main Improvement Classification:	211			
Unit of Comparison ("UOC"):				
Number of Units of Comparison				
Age				
Tax Code				
2021 Tax Rate:	%			
2022 Level of Assessment	96			
2021 Level of Assessment	%			

Historical Income and Valuations							
	2022	2021	2020	2019	2018		
Per the Assessor							
TMV							
PMI per IOC							
TAV							
TAV per UDC							
Per the Board of Review							
HMV							
FMV per UCC							
TAV							
TAI per UCC							
Per Appraisal							
Rev							
FMV per UCC							
Per Purchase							
TMY							
TMV per UCC							
Per Property Tax Appeal Board							
Case No.							
AF per VOC							
Per Specific Objection							
Case No.							
HMV							
TMV per UOC							
Income, Expenses, and Occupancy							
lecone							
Expenses S							
Expenser %							
Occupancy ADR							
South A.							
	Back						



Previously omitted Rule 18 has been removed. And the subsequent rule numbers have been updated.



Rule 26 (formerly Rule 27)

Taxpayers dissatisfied with a decision of the Board may request a review of their case. This process, known as a "Re-Review," is analogous to a motion to reconsider in circuit court. A "Re-Review" is not the place to raise a new legal theory or factual argument. As a result, legal theories and factual arguments not previously made are subject to waiver.

Because the "Re-Review" process is not to be employed as a substitute for the otherwise timely submission of documents required by the Board, the submission of an entire set of documents in the first instance on review will be considered, in the discretion of the Board, only upon a showing of good cause or exigent circumstances. Review requests should not simply argue with the Board capitalization rates, expense ratios, and rulings of law without further detailed explanation and analysis. Nor should requests simply reiterate or resubmit previously advanced arguments and materials without additional supporting evidence or argument to justify reconsideration.

Additionally, the "Re-Review" process is not an opportunity for a hearing or oral presentation. Review requests must be in writing and submitted online or delivered or faxed to the Board. Review requests must be:

- a. filed timely, within 3 days of the date of the letter from the Board informing the appellant of the Board's decision;
- b. identify the assessment, township and complaint number and the relevant PIN numbers of the case; and
- c. must state the specific grounds for the review request from the list below. Failure to articulate one of the grounds for review shall result in dismissal.





RULE 26 (continued)

The grounds for a re-review request are:

- a. New evidence provided in response to a request of the Board at a hearing, or indicated in the case file, notes, decision or at discretion of the Board where good cause is shown;
- b. changes in the law;
- c. an error in the Board's previous application of existing law;
- d. correction of a mathematical or calculation error;
- f. submission of a relevant PTAB stipulation or tax objection order;
- g. presentation of other decisions by the Board on similar properties;
- h. relevant evidence responding to issues raised by a divided vote decision of the Board;
- i. specific evidence and argument related to the method of analysis employed;
- j. an intervening sale, demolition, destruction or change of use of the property; or
- k. consideration of an Assessor's Recommendation or Certificate of Error





EVIDENCE SUBMISSION

• In an effort to return to normalcy and to get the tax bills back on schedule, the evidence submission period will be reduced from 14 days to 10 days.



2023 INTERVENTION RULES

2023 Intervention Rules

- 18. If the amount in controversy is \$100,000 AV or above, any taxing body seeking intervention shall file with the Chief Clerk of the Board via email or in person, a "Notice of Intervention" on or before 14 days from the date the taxing district received "Notice" from the Applicant that it was seeking are duction in excess of \$100,000 AV.
- 19. If the amount in controversy is \$100,000AV or less, any taxing body seeking interventions hall file with the Clerk of the Board, via email or in-person, a "Notice of Intervention" on or before 14 days from the date of closing of the installment period.
- 20. "Late Intervention" under Rules 18 and 19 may be waived upon the showing of "good cause."



Intervenor Submission

Intervenors and attorneys should be informed of the new Intervenor Upload Center. The direct link is as follows: https://www.cookcountyboardofreview.com/bor-intervenor-evidence-upload-center

Note: Submitting attorneys must copy and save this link for direct access to the upload center since it is not published to the website, to avoid confusion.

The attorneys are required to submit all intervenor complaint forms and evidence to the above link. The file name can be anything of their choosing, but each document must be uploaded with their appropriate title, which includes the following:

- · Intervenor Complaint Form
- · Intervenor Authorization Form
- · Intervenor Notice of Filing
- Intervenor Brief
- · Intervenor Appraisal
- · Intervenor Settlement Agreement

INTERVENOR SUBMISSION





DAPS ENHANCEMENTS- PASSWORD RESET





2023 DATA COMPILATION SUBSCRIPTION SERVICE

OVERVIEW

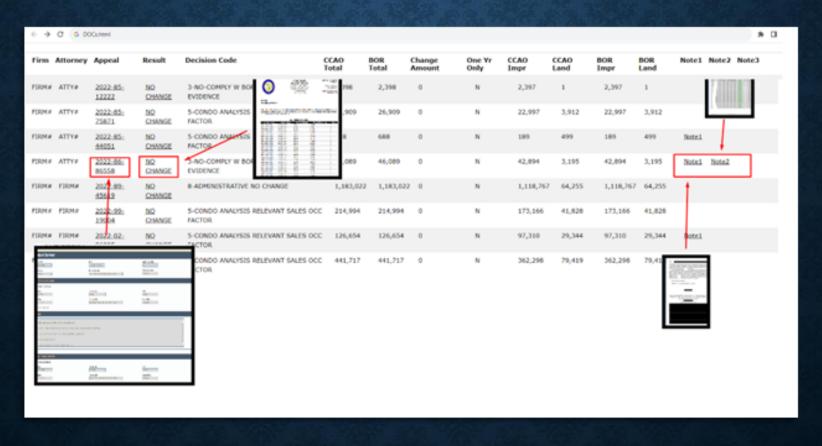
For the 2023 Assessment Session, the "Data Compilation Subscription Service" will include the following:

- The compilation of CCBOR assessment data in a custom webpage that references each appeal "BOR Notes," "BOR Summaries," and the "BOR Result Letter."
- In addition to the webpage, the batch will also include a spread sheet containing all relevant result data based on the specific groups of townships as determined by the CCBOR. See "BOR Decision Letter Batch."
- Point of access to assessment result data within a Subscriber's DAPS account which is accessible via the Portal or via a Secured File Transfer Protocol Site ("SFTP"). See "BOR Decision Letter Batch."



Custom Website By Attorney Firm By CCBOR Group First Pass And Rereview

The compilation of CCBOR assessment data in a custom webpage that references each appeal, via a link that opens the "BOR notes;" "BOR summaries; " and the "BOR result letter." In the example below all .pdf and or other files are accessible by items that are underlined in each relevant column.

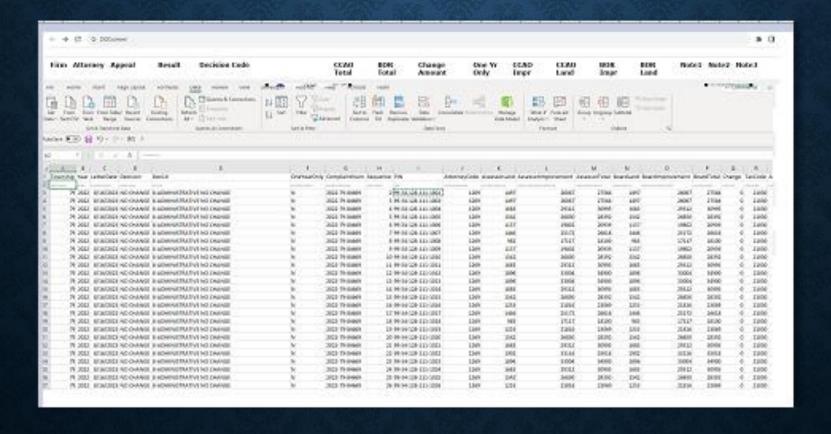






Custom Excel Sheet By Attorney Firm By CCBOR Group First Pass And Rereview

The compilation of CCBOR assessment data in a custom webpage, in a spreadsheet containing all relevant result data based on the specific groups of townships as determined by the CCBOR. See "BOR decision letter batch."









BENEFITS: DATA COMPILATION SUBSCRIPTION SERVICE

- "One Click" Access
 - Electronic Spreadsheet
- Improves labor cost efficiencies
 - Streamlined filing process
 - Minimized manual entry errors
- Improves Client Relationships





DATA COMPILATION SUBSCRIPTION SERVICE

"BULK FILING UTILITY"

- Provide subscription users the following:
 - Ability to bulk file complaints
 - Ability to bulk upload supportive evidence
 - A summary of results for the complaints filed
- Best Practice Tip ("Hearing Election" utilizing the "Bulk Filing Utility"). If the election of a "hearing" request is not certain at the time of the "Bulk Filing" submission, placing any text other than "Yes" or "No" in the hearing column of the spreadsheet allows the Portal user to submit the appeal at that time and later make the "hearing" election up to the "evidence submission deadline."







FEE STRUCTURE

- The fee structure is based upon the historical CCBOR filing frequency over the last three "3" years. It is solely within the discretion of the CCBOR to determine the Subscriber's appropriate "Tier" based upon the historical data.
- Presently, the "historical filing frequency" data is being updated to include the 2022 session data and delete the 2019 session data. After this data is compiled and analyzed, the "Tier Structure Agreement" will be adjusted and memorialized in the forthcoming 2023 "Data Subscription Service Agreement."
- Your "Data Subscription Service" will be activated after the forthcoming "Data Subscription Service Agreement" is fully executed and the annual subscription **fee is paid.**
- Per the 2023 "Data Subscription Services Agreement," agreements executed after the closing of the evidence submissions deadline of Group #2 will not be prorated from the time of the execution of the "agreement," therefore, requiring full remittal of the fee. *See* Section 4.



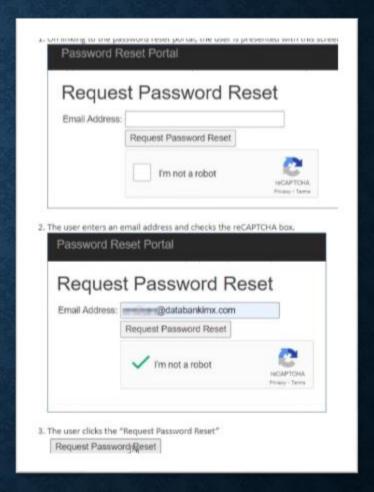


2023 BOARD OF REVIEW SUBSCRIPTION LICENSES

- To initiate the 2023 subscription processes, complete the survey at:
- bit.ly/BOR_2023 or access via QRCODE



PORTAL USER PASSWORD RESET

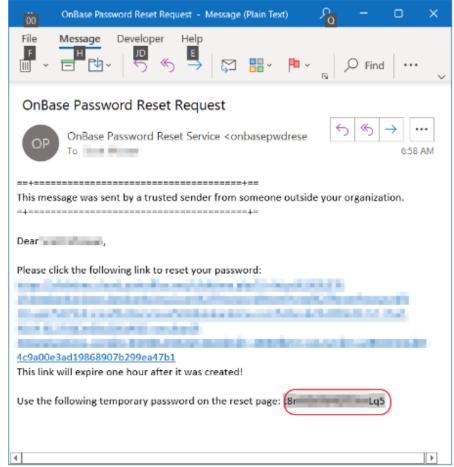




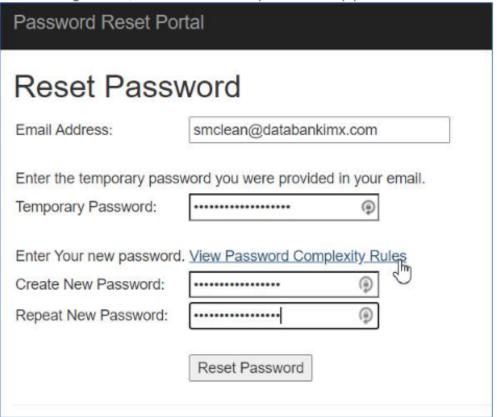
4. If the user's email address is associated with an OnBase account, this screen is presented

Password Reset Portal Password Reset Request Processed An email with password reset instructions has been sent to _____@databankimx.com

5. The user receives a password reset email containing a secure temporary password (expires in 1 hour) and a link to the portal page to complete the process.



6. After clicking the link, the user enters the provided temp password and enters a new password twice.



7. The password complexity rules are configurable by the client, and the user can view them by clicking the link



8. The user clicks the "Reset Password" button



At this point, the user's OnBase password is reset, the account is unlocked if it had been locked, and the user can log in as normal using the newly set password.

Password Reset Portal

Password Reset Successful!



BEST PRACTICES

- FILING
- EVIDENCE
- HEARINGS
- ATTORNEY SUBSTITUTIONS

• Any and all "upload" issues should immediately be reported to Chief Clerk Manuel via email chiefclerkadmin@cookcountyil.gov.



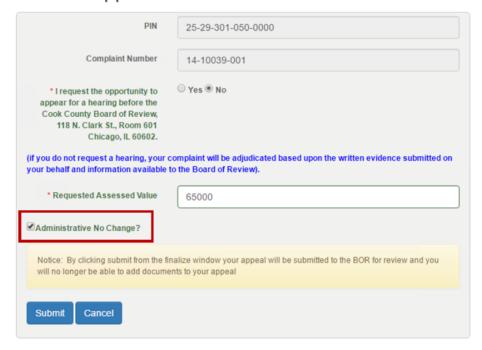


ORAL HEARINGS FOR 2023

- Due to health and safety concerns for Cook County taxpayers, practitioners, and CCBOR employees, the Board did not conduct "in-person" hearings for the 2020 tax year.
- The CCBOR realized specific efficiencies from the non-in-person proceedings that were implemented for the 2021 and 2022 tax years which will continue for this year.
- Therefore, non-in person hearings will continue for the 2023 tax year via telephone ("*Pro Se*") and/video conferencing via TEAMS ("Attorney Hearings").
- See CCBOR Rule # 12.



Finalize Appeal





ORAL HEARINGS SHOULD BE REQUESTED AT THE TIME OF FINALIZATION OF THE COMPLAINT.



2023 ORAL HEARINGS

- On any given attorney hearing day, each attorney and their respective dockets will be scheduled for a particular call as follows:
- 8:30 am (Note: Rare but possible.)
- 10:30 am
- 1:00 pm
- 3:00 pm
- Attorneys will receive Microsoft TEAMS "invites" which must be accepted in order to "join" the scheduled "hearing." Please note that the "invites" are scheduled within fifteen (15) minute time "windows."
 - (9)

Microsoft Teams Meeting; Teams meeting



BORHEARINGS invited you. Accepted 2

2023 ORAL HEARINGS



- At the conclusion of the Group filing period, the CCBOR will e-mail the general hearing dates for that Group without assigning specific Attorneys to specific dates. Please note that said correspondence will ONLY state the FIRST DAY that hearings will commence.
- For those attorneys requesting ten or less oral arguments for anyone group of townships, the CCBOR will make every effort to schedule those hearings on the date contained in the initial e-mailed notice and where possible at the same time/call.
- For those attorneys requesting more than eight (8) oral arguments per group of townships, the CCBOR will likely schedule those cases on consecutive dates to the date contained in the initial mailed notice.
- Please note that prior to Commercial/Industrial Hearings, hearing officers review the evidentiary submissions for the current year as well as prior filings.
- Again, the evidence submission deadline is NOT extended simply by a hearing request. Documents for both hearing and desk review have the same document submission deadline. See CCBOR Rule #13.





- No more than eight (8) cases per attorney will be scheduled to a specific call.
- Attorneys should limit oral argument to ten (10) minutes per case.
- Each call will be limited to one hour and forty minutes.
- Any attorney/law firm requesting more than forty-five (45) cases for oral argument for any one group of townships must receive approval of the Chief Deputy Commissioner.
- You must immediately notify Ms. Alisa Rodriguez of any scheduling conflicts @ <u>Alisa.rodriguez@cookcountyil.gov</u>.
- If this is a new client, FOIA and Review Priors.



2022 TAX YEAR HEARING REQUESTS

- In 2022, there were 240,346 CCBOR Assessment Complaints Filed which encompasses 473,290 PINs.
- In 2022, there were 11,391 Tax Year Hearing requests (Attorney and *Pro Se*).
- In 2022, there were 303 CBD Hearing Requests.





HEARINGS

- DURING THE HEARING:
- Explain and Disclose ANY and ALL CHANGE IN CIRCUMSTANCES.
- Disclose TYPE, SIZE AND USE OF PROPERTY.
- Hearings are not an extension of the EVIDENCE SUBMISSION DEADLINE- DO NOT EXPECT HEARING OFFICERS TO ACCEPT NEW EVIDENCE AT HEARINGS.
- Disclose Pending "Assessor's Recommendations" ("A/R")/"Certificates of Corrections" ("CoC").
- Disclose prior PTAB/SPO decisions within the Triennial.
- Disclose any and all information regarding OMITTED ASSESSMENTS.
- DON'T REQUEST A HEARING SIMPLY TO ATTEMPT TO NEGOTIATE A PENDING PTAB.
- An "Oral Hearing" is NOT to discover what "late" evidence to submit at "Re-Review."
- Overall, KNOW YOUR PROPERTY.







- One Commercial call of 27 complaints requires a minimum of two ("2") 10 hour days of preparation for the hearing officer.
- One day of hearings requires 2 days of preparation where the hearing officer is also unable to review and adjudicate desk review complaints.
- The scheduling of hearings for each Group requires 4-6 days of the Scheduling department depending upon the volume.
- Resource impact of hearings on the CCBOR's scheduling timeline.
- There is no formal letter for waiving hearing, if an attorney would like to waive hearing, they should submit an email to the scheduling department listing the docket numbers of the appeals they are waiving: alisa.rodriguez@cookcountyil.gov





2023 CENTRAL BUSINESS DISTRICT ORAL HEARINGS

- For the 2022 tax year, there were 303 CBD Orals
- Preparation 10-14 days for Commercial Analysts
- Scheduling CBD-3-4 days
- Similar to the 2022 North/South Chicago CBD proceedings
- Senior C/I analysts will preside over the CBD proceedings for 2023 West/North/South Chicago.
- Matters will be taken "under advisement" with no decisions rendered from the Bench.



RECOMMENDED "BEST PRACTICES"

The following are most efficiently and effectively handled by a desk review:

- Owner occupied properties with recent appraisal evidence. Please note that, at hearing, said matters will be taken under advisement with no decisions rendered at the bench.
- Class 3 properties.
- Class 2 properties including Co-Ops.
- Non-Triennial complaints with pending PTAB or Circuit Court matters/No material changes/None w appraisal evidence/ No recent sales of the subject. A hearing is not the opportunity to negotiate a pending appellate matter. Also, the request for "administrative no change" should be conducted via the DAPS portal when finalizing complaints and should not be treated as an "overassessment" complaint in DAPS workflow.
- Hearings are not an extension of the evidence submission deadline, therefore, the "late" submission of valuation evidence will not be considered at hearings. See CCBOR Rule #13.
- Matters that do not present "unique" valuation issues and those said arguments can be fully explained within the "four corners" of the pleadings.
- Not necessary to request a hearing to merely inquire about the status of either a "Certificate of Correction" or "Assessor's Recommendation."
- All Hearings will be conducted via Teams, therefore, all Attorneys requesting hearings MUST utilize the Microsoft Teams application. NO EXCEPTIONS.
- Requests for "waivers" of hearings must be made prior to the day of the hearing. Hearing "waivers" must be requested via e-mail as soon as hearing dates are transmitted.



ATTORNEY BRIEF SHOULD INCLUDE



- Description of the Subject
- PIN
- Property Address
- Improvement Size
- Site Size and related Land to Building Ratio
- Age of the Subject
- Owner Occupied or Leased. If leased, must disclose type of lease (net/gross).
- Provide Assessment History Expressed in Units of Comparison
- Must Disclose Recent Sales
- Must Disclose Blended Levels of Assessment
- Basis of Requested Relief
- Income arguments must be supported by mathematical equations and not sentences.



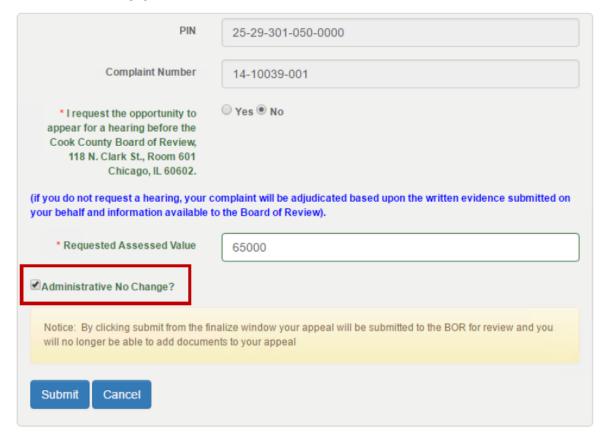


When Uploading Documents:

- It is very important that every document is properly identified. Especially the "attorney authorization form" must be separately indexed from every other form. If not, you will receive a "No Change7."
- All documents should not be indexed "attorney brief/petition" or "other evidence."
- Our Enterprise Content Management ("EMC") application, "DAPS", is "keyword" driven. If an analyst wishes to review a prior "rent roll" for the subject, he/she will search "BOR rent roll" and the year, not "attorney brief" or "other evidence."



Finalize Appeal





REQUEST ADMINISTRATIVE "NO CHANGE"



ILLINOIS SUPREME COURT RULE 138 "PERSONAL IDENTITY INFORMATION"

- It is highly recommended that personal identity information should not be included in any documents submitted to the CCBOR
- "Personal identity information" is defined as the following:
- Social Security and individual Taxpayer identification numbers
- Driver's license numbers
- Financial account numbers
- Redacted personal identity information should include the "last four digits" of the documents listed above.







Appraisal Evidence

- Upload Appraisals as ONE DOCUMENT and labeled as "APPRAISAL."
- Review CCBOR Rule #19
- Appraisals shall include an original photograph of the front of the property and the permanent index number of the subject and the same is applicable for each property utilized in the appraiser's analysis.
- If a COLOR version of the appraisal is available, please upload the COLOR version
- It is highly recommended "comparable maps" be included for both leasing and sales comparables listed in all appraisals.
- Upload PDF version of appraisals in its original form at instead of scanned copies





- Review BOR #20
- Submit Rent Rolls Maintained in the ORDINARY COURSE OF BUSINESS (NOT ATTORNEY PREPARED SUMMARIES) WITH TOTALS.
- Complete I/E Data. Expenses (EBITDA) SHOULD EXCLUDE INTEREST, REAL ESTATE TAXES, DEPRECIATION AND AMORTIZATION.
- I/E data should be UP TO DATE AT THE TIME OF BOR FILING NOT THE CCAO FILING.
- FULLY EXPLAIN I/E DATA.
- Disclose whether LEASES ARE NET OR GROSS OR OTHER. BOTTOMLINE-WHO IS RESPONSIBLE FOR REAL ESTATE TAXES AND HOW MUCH?
- Comment: Privacy Protection for evidence submitted at the CCBOR.
- Please Note that any and all taxpayer submissions are subject to FOIA requests.
- In both DAPS and paper filings with the CCBOR that contain an individual's social-security number, taxpayer-identification number, date of birth or financial account number, it is highly recommended that the party making the filing may only include the following:
- The last four digits of the social-security number and taxpayer-identification number;
- The year of the individual's birth;
- The last four digits of the financial-account number.





THE EXCLUSION OF "REAL ESTATE TAXES" AS AN EXPENSE

MAJORITY VIEW

- In considering the income and expenses of a property, a decision must be made on how to treat the property taxes. When property is valued for ad valorem tax purposes, taxes should not be considered an expense item. Because any deduction from gross income directly affects the indicated property value through the income approach, only typical and reasonable expenses can be used.
- When property is valued for ad valorem tax purposes, therefore, property taxes cannot be shown as an operating expense because the actual taxes are not known as of the assessment date. Indeed, the appraisal is often done to estimate the amount of tax. The problem can be resolved by developing an effective tax rate and including it in the capitalization rate for the subject property.
- To avoid circularity, however, property taxes are accounted for in valuations for assessment purposes by adjusting the capitalization rate. Otherwise, the amount of tax affects the estimate of value used to calculate the tax.
- "Property Assessment Valuation," International Association of Assessing Officers ("IAAO") 2nd Edition (1996).



Unloaded Cap Rate

The CCAO recently published its cap rate policy, which confirms it uses an unloaded cap rate and that the total operating expense cost, in a gross or modified lease scenario, includes the tax expense, which is applied to achieve the net operating income ("NOI"). This should be equivalent to the loaded cap rate NOI, when we calculate the expense ratio correctly.

We acknowledge this is a deviation from the IAAO standard of loading an effective tax rate to the overall cap rate when using the income approach to value for purposes of *ad valorem* taxation. However, the Assessor recognizes that market participants do not load the overall cap rate and its core statutory duty under the Property Tax Code is to assess property at fair market value. The essence of property valuation, for *ad valorem* purposes, is relating how market data applies to a given property. The Assessor captures this by utilizing a market-derived cap rate.



CCAO MASS INCOME APPROACH							
	NO TAX LOAD APPLIED		TAX LOAD APPL	IED			
Square Feet	94,134		94,134				
Rent PSF (PGI)	\$3.30	\$310,642.00	\$3.30	\$310,642.00			
V/C (EGI)	6%	\$292,003	6%	\$292,003			
Exp (NOI)	15%	\$248,203	15%	\$248,203			
Cap Rate	8.50%		8.50%				
Cap Rate + Tax Load			14.09%		2021 Tax Load: 5.59%		
Market Value	\$2,920,037		\$1,761,555				
Assessed Value	\$730,009		\$440,389				
Note:	66% over tax load calculation						



2018 Tri TMV	2021 CCAO TMV	2021 CCBOR Relief TMV	2021 Appr.
\$841,276	\$2,920,028 (+247% over 2018 TMV)	\$1,764,753 (+110% over 2018 TMV)	\$840,000
2020 RET	2021 CCAO RET	Actual 2021 RET	
\$47,007	\$147,280 (+213% over 2020)	\$89,010 (+89% over 2020)	
	2021 PTAB R	efund Liability	
	\$104,912 \$46,643		





VACANCY ARGUMENTS

- Review CCBOR Rules 20 and 21.
- Issue: What is the "AS IS" Value of the Subject?
- Submit RECENT INTERIOR PHOTOS dated photos as of the lien date.
- Submit documentation of attempts to mitigate vacancy/attempts to lease.
- Owner Occupied properties vacant while listed for sale NOT LEASED -"AS IS" VALUE OF THE SUBJECT-APPRAISAL EVIDENCE.
- Vacancy Affidavits should be up to date at the time of the BOR filing NOT THE CCAO FILING!
- Properties suffering from chronic/long term vacancy, the Board will consider are cent appraisal in support of "as is" value of the subject as well as any and all evidence of value.



RECENT SALES EVIDENCE

- Review BOR Rule #18.
- Recent Sales Must Be Disclosed.
- Submit the Settlement Statement.
- Must Disclose the Relationship Between the Buyer And Seller.





- Less weight to be placed on the Income Approach for the valuation of 2-11 and 2-12 properties.
- Income Approach not a reliable indication of value when compared to sales approach and uniformity.
- Income data often found to be unreliable.
- If considered, Income Approach will be reconciled with both sales and uniformity.



THE APPLICATION OF "MARKET ADJUSTMENTS" IN THE VALUATION OF CONDOMINIUMS/CO-OPS

- In 1979, Illinois abolished the taxation of personal property.
- One of the many issues regarding a "personal property/market adjustment" deduction is the objective quantification/valuation of the deduction which may not be captured with the flat 5-15% deduction. At the very least, a transfer declaration for "personal property" is an attempt to value said PP. The PTAX 203 is more common in the transfer of commercial/industrial real estate and not residential real estate.



The petitioner must fully explain in writing any and all "market adjustments" in the related pleadings.

168	Transfer Declaration	and the
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	many .	9 Identify any significant physical changes in the properly since
	Vrite the total number of parcels to be transferred. Write the parcel identifying numbers and lot sizes or acreage.	January 1 of the previous year and write the date of the chang
	Property Index number (PRI) Lot size or acreage	Date of aspolitizant change: Main. No.
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-		18 identify only the items that apply to this sale, then we write 'K'
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	tep 3.	 Sale between related individuals or corporate affiliates
C	Note of Instrument	 Transfer of less than 100 percent interest
7	type of instrument your union "K"; Warranty deed	d Court-ordered sale
	Quit claim deed Executor deed Trustee deed	Sale in New of Renoblesiane
	Beneficial interest Other specify:	f Condemnation g Short sale
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	Yee No Was the property advertised for sale?	Auction sale
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VACANCY RELIEF FOR UNSOLD CONDO UNITS

See 35 ILCS 200/9-180 (2022).

- "Developer" owned Condo Units explicitly addressed here
- "Certificate of Occupancy" issued and listed "for sale."
- Subject is "uninhabitable" due to "Act of God."
- "Accident" or "Under Construction."

(35 ILCS 200/9-180)

Sec. 9-180. Pro-rata valuations; improvements or removal of improvements. The owner of property on January 1 also shall be liable, on a proportionate basis, for the increased taxes occasioned by the construction of new or added buildings, structures or other improvements on the property from the date when the occupancy permit was issued or from the date the new or added improvement was inhabitable and fit for occupancy or for intended customary use to December 31 of that year. The owner of the improved property shall notify the assessor, within 30 days of the issuance of an occupancy permit or within 30 days of completion of the improvements, on a form prescribed by that official, and request that the property be reassessed. The notice shall be sent by certified mail, return receipt requested and shall include the legal description of the property.

When, during the previous calendar year, any buildings, structures or other improvements on the property were destroyed and rendered uninhabitable or otherwise unfit for occupancy or customary use by accidental means (excluding destruction resulting from the willful misconduct of the owner property), the owner of the property on January 1 shall be entitled, on a proportionate basis, to a diminution of assessed valuation for such period during which the improvements uninhabitable or unfit for occupancy or for customary use. The owner of property entitled to a diminution of assessed valuation shall, on a form prescribed by the assessor, within 90 days after the destruction of any improvements or, in counties with than 3,000,000 inhabitants within 90 days after the township or multi-township assessor has mailed the application form as required by Section 9-190, file with the assessor for the decrease of assessed valuation. Upon failure so to do within the 90 day period, no diminution of assessed valuation shall be attributable to the property.

Computations under this Section shall be on the basis of a year of 365 days.

(Source: P.A. 91-486, eff. 1-1-00.)



COMMERCIAL/INDUSTRIAL CONDOMINIUMS (5-89/5-99)

- A commercial/industrial condo is a condo with a recorded condo declaration
- Must disclose recent sales (within 3 years) within the subject building including the pin, date of sale, percentage of ownership, and purchase price.
- If leased 3 years of I/E (CCBOR Rule # 20), current year rent roll, gross/net.
- Will consider recent appraisals-sales history should include all recent sales within the subject.
- NOTE: More weight placed on the "sales approach" based on recent sales within the subject.



CONDOMINIUM-2-99

- If you have authorization to represent the ENTIRE BUILDING, file ONE Complaint for the Whole Building.
- EXCEPTION-SEPARATELY FILE COMMON ARE APARCELS.
- PLEADINGS-BE SPECIFIC REGARDING RELIEF SOUGHT FOR SPECIFIC PINS.
- For example, identify the specific PIN(S) seeking vacancy relief (PIN, POI, OCC FACTOR).
- Identify specific PINs with landmark status.

UNAUTHORIZED PRACTICE OF LAW AND PRACTITIONER EXPECTATIONS





UNAUTHORIZED PRACTICE OF LAW

- Practice before the CCBOR is the Practice of Law.
- Therefore, Non-Attorneys/Consultants may not practice at the CCBOR. Attorneys should either be solo practitioners or affiliated with a law firm.
- Only Attorneys may argue cases on behalf of others before the CCBOR or submit/present cases on the behalf of others to the CCBOR.
- The CCBOR enlists the assistance of the practicing bar to bring to light any unethical or unauthorized practice of law issues.





RULE 3.3: CANDOR TOWARD THE TRIBUNAL

Rule 3.3. Conduct Toward the Tribunal

- (a) A lawyer shall not knowingly: (b) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
- (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
- (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- (b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
- (c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.
- (d) In an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Ill. Sup. Ct. R. Prof'l Conduct, R 3.3



RULE 3.5: IMPARTIALITY AND DECORUM OF THE TRIBUNAL

- Rule 3.5. Impartiality and Decorum of the Tribunal
- A lawyer shall not:
- (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
- (b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;
- communicate with a juror or prospective juror after discharge of the jury if: the communication is prohibited by law or court order;
- (2) the juror has made known to the lawyer a desire not to communicate; or
- (3) the communication involves misrepresentation, coercion, duress or harassment; or
- (d) engage in conduct intended to disrupt a tribunal.

Ill. Sup. Ct. R. Prof'l Conduct, R 3.5





- REQUIRED SUBSTITUTION DOCUMENT PACKET
- A fully executed "Attorney Substitution" form.
- A fully executed 2023 "Attorney Authorization" form.
- A fully executed 2023 CCBOR "Assessment Complaint" form.
- ALL supportive valuation evidence.
- PLEASE NOTE: to ensure the proper and efficient processing of "Attorney Substitutions," the packet must be e-mailed in its entirety to the Chief Clerk Allen Manuel (chiefclerkadmin@cookcountyil.gov) and NOT directly uploaded to the complaint via the DAPS Portal.



DISASTER RELIEF

PTAX-245 Application to request reassessment of property under Section 13-5 of the Property Tax Code (35 ILCS 200/13-5) based on substantial damage caused by a disaster in a county that has been declared a major disaster area by the President of the United Sates or the Governor of the State of Illinois.

PTAX-245 is available under the FORMS section of the CCBOR website.

PTAX-245 Disaster Area **Application for** Reassessment PTAX-245 Disaster Area Application for Reassessment Who should complete this form? Who should complete this form?





Inaccurate Permanent Index Numbers (PINS)

- The Chief Clerk's staff has experienced a significant increase in inaccurate PIN issues (request for PIN additions and/or corrections) either due to Portal User, clerical or upload errors.
- PIN corrections consume a considerable amount of very limited CCBOR resources due to the complexity of the issues presented as well as the "late" timing of said requests (post initial results or even post re-review).
- All filings and the related PIN data be closely reviewed and verified prior to finalization of the complaint.
- Any PIN errors be immediately reported to the Chief Clerk Manuel via e-mail, providing a detailed explanation of the issue.
- Any and all Portal issues be immediately reported to Chief Clerk Manuel via e-mail, providing a detailed explanation of the issue.
- A Re-review of a NC #7 due to a claimed Portal issue is far too late.





EXEMPTIONS

- The CCBOR is returning to four (4) 30 Day installments.
- Open 1st Installment August 14, 2023.
- Close 1st Installment September 12, 2023.
- https://www.cookcountyboardofreview.com/Exemptions-document-upload-center





TOWNSHIPS OPENING FOR PREFILING AUGUST 24, 2023

Norwood Park

Riverside

Calumet

Barrington

Oak Park

Cicero

Hanover

Berwyn

Rogers Park

River Forest





FIRST GROUP OPENING SEPTEMBER 11, 2023

Norwood Park
Riverside
Calumet
Barrington
Oak Park





SECOND GROUP OPENING SEPTEMBER 18, 2023

Cicero
Hanover
Berwyn
Rogers Park
River Forest







- A copy of this presentation and a more detailed description of the CCBOR's procedures will be available on the CCBOR's website @ www.cookcountyboardofreview.com
- On the home page, select "What We Do," "Guides" and "Attorney Presentation."



