



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Nicolas Reyes
DOCKET NO.: 18-39501.001-C-1
PARCEL NO.: 13-24-107-034-0000

The parties of record before the Property Tax Appeal Board are Nicolas Reyes, the appellant, by attorney Marie V. Mactal, of the Law Offices of Terrence Kennedy Jr. in Chicago, and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$11,970
IMPR.: \$40,960
TOTAL: \$52,930

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2018 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is improved with a two-story apartment building of masonry construction with 5,120 square feet of building area and nine apartment units. The building is 60 years old. The property has a 6,650 square foot site and is located in Chicago, Jefferson Township, Cook County. The property is a class 3-14 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant asserts assessment inequity as a basis of the appeal in his appeal petition. In support of this argument the appellant submitted information about four suggested comparable properties and a 2017 rent roll for the subject. The appellant also submitted a brief which asserted that the proper assessment for the subject was \$41,411 under a uniformity analysis and \$47,433 under an income capitalization analysis.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$65,397. The subject's improvement assessment is \$53,427, or \$10.43 per square foot of building area.

Although the board of review sought and received an extension of time until December 1, 2020, to file its evidence, it did not submit any evidence prior to this deadline. The matter was set for a hearing before Board ALJ John Schmidt on February 14, 2023. On February 3, 2023, however, the parties entered into a written agreement to waive the hearing and have the matter decided on the evidence that had been submitted. At that time, the board of review submitted what it described as a memorandum summarizing its arguments. The memorandum asserts that the appellant has not met its burden of showing assessment inequity by clear and convincing evidence because the appellant did not show sufficient similarity between its suggested comparables and the subject. The board of review further argues that the appellant's income capitalization analysis is insufficient as a matter of law to establish overvaluation of the subject.

Conclusion of Law

As a preliminary matter, the Board agrees with the board of review that the appellant's income capitalization analysis is insufficient as a matter of law to establish overvaluation of the subject property. The income capitalization method of valuing property is insufficient by itself to establish a property's fair market value unless the property is so unique that no reliable market data about comparable sales is available. Cook County Bd. of Review v. Property Tax Appeal Bd., 384 Ill. App. 3d 472, 483 (1st Dist. 2008). Here, the appellant made no showing that the subject property is so unique that sales data regarding comparable properties is unavailable. Accordingly, the income capitalization data is insufficient as a matter of law to establish overvaluation.

The taxpayer's appeal petition asserts assessment inequity as the basis of the appeal. The Illinois Constitution requires that real estate taxes "be levied uniformly by valuation ascertained as the General Assembly shall provide by law." Ill. Const., art. IX, § 4 (1970); Walsh v. Property Tax Appeal Board, 181 Ill. 2d 228, 234 (1998). This uniformity provision of the Illinois Constitution does not require absolute equality in taxation, however, and it is sufficient if the taxing authority achieves a reasonable degree of uniformity. Peacock v. Property Tax Appeal Board, 339 Ill. App. 3d 1060, 1070 (4th Dist. 2003).

When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill. Admin. Code §1910.63(e); Walsh, 181 Ill. 2d at 234 (1998). Clear and convincing evidence means more than a preponderance of the evidence, but it does not need to approach the degree of proof needed for a conviction of a crime. Bazyldo v. Volant, 164 Ill. 2d 207, 213 (1995). It is recommended that proof of unequal treatment in the assessment process consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity, and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill. Admin. Code §1910.65(b). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds that the best evidence of assessment equity is the appellant's suggested comparables two, three, and four. Like the subject property, these comparables are improved with two-story apartment buildings of masonry construction, and they are class 3-14 properties under the Cook County Real Property Assessment Classification Ordinance. These comparables are similar to the subject in building age and land-building ratio. These comparables had improvement assessments that ranged from \$5.41 to \$8.48 per square foot of building area. The subject's improvement assessment of \$10.43 per square foot of living area falls above the range established by the best comparables in this record. The Board concludes that the evidence shows sufficient similarities between these comparables and the subject to establish lack of uniformity. Based on this record, a reduction in the subject's assessment is therefore warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member

Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date:

May 16, 2023



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

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