



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

APPELLANT: Alan Novak
DOCKET NO.: 20-46128.001-R-1
PARCEL NO.: 06-22-414-017-0000

The parties of record before the Property Tax Appeal Board are Alan Novak, the appellant, by attorney Stephanie Park, of Park & Longstreet, P.C. in Inverness; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** 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: \$6,293
IMPR.: \$17,023
TOTAL: \$23,316

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 2020 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 consists of a two-story dwelling with 1,698 square feet of living area of frame construction. The dwelling is 29 years old. Home features include central air conditioning, a fireplace, and a two-car garage. The property has an 10,945 square foot site located in Streamwood, Hanover Township, Cook County. The subject is classified as a class 2-07 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on contention of law and equity. Appellant's argument is discussed below.

1. Equity Evidence – Pre-COVID Adjustment

In support of this argument, the appellant submitted four equity comparables. These properties are described as two-story, frame, single-family dwellings. They range: in age from 29 to 30 years; in size from 1,754 to 1,799 square feet of building area; and in improvement assessment from \$7.37 to \$8.27 per square foot of building area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$23,316. The subject property has an improvement assessment of \$17,023 or \$10.03 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on three equity comparables. These properties are described as two-story single-family dwellings of frame construction. They range: in age from 28 to 30 years old; in size from 1,520 to 1,689 square feet of living area; and in improvement assessment from \$11.12 to \$12.32 per square foot of living area.

2. Contention of Law – “Uniform” Post-COVID Adjustment Claim

In the brief, the appellant’s sole legal contention relates to the Constitutional Uniformity Clause.¹ Appellant agreed that the Property Tax Code mandates real property in Illinois shall be valued at its fair cash value for property tax purposes. (35 ILCS 200/9-145 & 150). As to this particular appeal, however, the appellant further contends that “the County’s COVID-19 adjustment factor which **was uniformly applied to all residential property in the County**” [emphasis added] must be applied to the subject’s market value conclusion (or its ‘pre-COVID market value’). (Appellant’s Brief, pp. 1-2).

On page 2 of the brief, counsel wrote “[t]he County made the policy decision in 2020 that all residential property market values should ‘reflect the real estate market effects of COVID-19’ [citing Exhibit A].” Exhibit A entitled *Cook County Assessor’s COVID-19 Adjustments to Property Assessments in the South and West Suburbs*, May 28, 2020, p. 2, 6, was summarized by counsel as a policy decision that “uniformly applied a negative COVID-19 adjustment to January 2020 Values to determine 2020 Fair Market Value” which was then used for property tax purposes. (Brief, p. 2).

The appellant also submitted Exhibit B, *COVID-19 FAQ*, pp. 1-2, from the Cook County Assessor’s Office (CCAO) addressing common questions and/or issues, for instance:

- Is everyone getting a COVID19 adjustment to their property’s value?
 - Our plan is that all homes in Cook County will receive COVID19 adjustments to property values, **based on our Data Science team’s estimates of local changes in unemployment.** Areas with larger increases in unemployment will see larger adjustments.

¹ Article IX, section 4(a), of the *Illinois Constitution of 1970* provides: Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law. (Ill.Const.1970 art. IX §4(a)).

- I'm in the south and west suburbs. **Does this guarantee my property's assessment will go down compared to my last reassessment?**
 - **Not necessarily.** Our estimate of your property's value in 2020 also depends on your local real estate market. In the south and west suburbs, since the last 2017 reassessment, property values have changed.
 - [table redacted]
 - In places like Berwyn, sale prices of homes have increased. Therefore, an individual home's value estimated by the CCAO in 2020 will reflect those upward sales trends, and a decrease from a COVID19 adjustment.
 - In other places, sales prices of homes have not increased. The values of these homes will reflect those flat sales trends, and a decrease from a COVID19 adjustment.
 - ...

[Emphasis added.]

Next, the appellant's Exhibit D, *Cook County Assessor's COVID-19 Adjustments to 2020 Property Assessments in the North Suburbs and City of Chicago*, January 11, 2021, relates to the property on appeal located in Niles Township. In Exhibit D, assessing officials wrote "[t]he methodological approach detailed on pages 5-9 and 11-13 of the previous report [identified in this appeal as Exhibit A] remains applicable." (Exhibit D, p. 2). On page 4 of Exhibit D, the assessing officials addressed the most asked questions, as follows:

1. **Only parcels in the south and west suburbs were fully reassessed.** Parcels in the northern suburbs and the City of Chicago had their prior market values adjusted based on the office's analysis of COVID effects on certain property types and geographic areas.
3. **All parcels were examined for COVID-19 adjustments and, when warranted, an adjustment was applied to the market value of a property.** This adjustment was applied regardless of whether an appeal was filed on the property. If additional information about a parcel was presented to the office through the 2020 appeal process, this information was also considered for adjustments to the property's market value. ...

[Emphasis in original.] Exhibit D produced by the assessing officials asserted "different property types and locations experienced different economic impacts of COVID-19. Thus, COVID19 adjustments throughout the county reflect these various impacts." (Exhibit D, p. 4) Additionally, key to the instant contention of law, in terms of assessment process chronology, is the assertion of the Cook County Assessor on page 9 of Exhibit D concerning the notification process of COVID Adjustments:

Final values for all properties were published to the CCAO's website at the conclusion of the appeals process for each township. **These values were also certified to the Board of Review.** [Emphasis added.]

In this contention of law, the appellant seeks to obtain a reduction on the market value determination based upon the assertion that "all properties" in Cook County in 2020 were issued

a COVID Adjustment. The appellant asserts the Cook County Assessors Office granted a 10.565% reduction due to the COVID-19 pandemic in Hanover's Neighborhood Code 13. The subject, located in Neighborhood 13 was adjusted 4.109% for Covid by the CCAO, whereas similarly situated and located neighborhood properties were granted the full 10.595% Covid-19 adjustment.

Based on the foregoing, the appellant contends the county's "negative" COVID-19 adjustment must now be applied to reflect the subject's "2020 Fair Market Value" for property tax purposes. (Brief, p. 3). Therefore, applying the full COVID adjustment of 10.595%, the subject assessment should be no greater

In written rebuttal, counsel for the appellant claims that the response "confirms" that the assessor "implemented a uniform policy, practice, and procedures to apply a negative COVID adjustment factor to pre-COVID-19 market values to all residential property in Cook County." In this regard, the rebuttal continues that the board of review has provided "no legal explanation as to why the subject property should be treated differently than all other residential property in Cook County that had a COVID adjustment applied to its pre-COVID market value." Given the appellant's interpretation of the responsive filing, the appellant contends the parties have no dispute that the county "uniformly applied a negative COVID adjustment to 2020 market values for all residential property in Cook County."

Conclusion of Law

1. Contention of Law

Concerning the appellant's contention of law argument, the appellant asserts that its contention of law argument is not based on equity.

The Property Tax Appeal Board will apply its discretion to liberally interpret the appellant's contention of law argument and interpret it as a lack of uniformity claim. The burden for this claim is controlled by Section 10-15 of the Illinois Administrative Procedure Act (5- ILCS 100/10-15) provides:

Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence.

As outlined in this decision and contrary to the assertions of the appellant's counsel, the published documentation issued by the Cook County Assessor's Office related to the COVID-19 Adjustments specifies that not every property would or should expect an assessment reduction and the application of "relief," if any, was tied to area market sales data for each property. Therefore, while the documentary record establishes that the Cook County Assessor undertook an analysis in 2020 as to whether the pandemic resulted in economic effects upon both single-family residential, condominium, and commercial properties, the Board finds that the appellant's submission does not establish the claim made by the appellant, specifically, "that every property in Cook County received a COVID Adjustment reduction" or that the subject was treated unequally based on the pandemic. To put it another way, the evidence submitted by the appellant

indicates that the Assessor examined market data to determine if the values of individual property(s) were negatively affected by COVID-19 based on unemployment data; and if so, adjust its assessment to reflect the market. The Board further finds that the evidence does not establish that the Assessor granted a blanket COVID-19 downward adjustment to all properties similarly situated to the subject while, at the same time, excluding the subject property from that blanket adjustment. Nor has the appellant established that the Assessor neglected to analyze the pandemic's effect on the subject property. Furthermore, the appellant has failed to establish that the basis upon which the Cook County COVID-19 adjustment was determined, *i.e.*, unemployment data, was not uniformly applied.

Furthermore, the Board finds the appellant did not submit any substantive evidence of whether the subject property merits an assessment reduction due to COVID-19. The Board considers an assessment appeal without reference to any assumptions and conclusions made by another agency. "Under the principles of a *de novo* proceeding, the Property Tax Appeal Board shall not presume the action of the board of review or the assessment of any local assessing officer to be correct." 86 Ill. Admin. Code §1910.63(a). There is no presumption of correctness accorded to an original assessment or that of a board of review. *Western Illinois Power Cooperative, Inc. v. Property Tax Appeal Board*, 29 Ill.App.3d 16, 22 (4th Dist. 1975). "Under the scheme created by the Property Tax Code statute for the Property Tax Appeal Board, an appeal to the Board does not afford taxpayers the right to request that a higher authority rule upon the correctness of a lower authority's findings. Rather, it affords taxpayers and taxing bodies a 'second bite at the apple,' *i.e.*, an opportunity to have assessments recomputed by a reviewing authority whose power is not circumscribed by any previous assessment." *LaSalle Partners v. Illinois Property Tax Appeal Board*, 269 Ill.App.3d 621, 629 (2nd Dist. 1995).

To the extent the appellant requests that the PTAB grant it relief based on the COVID-19 pandemic, the Property Tax Appeal Board distinguishes between a request for relief just because the pandemic occurred ("COVID Relief") and a request based on the pandemic's effect on market conditions, or the income-producing capacity of a given property. The former would only require the appellant to show that the pandemic occurred, not that the pandemic affected or contributed to changes in the relevant market or other factors related to the property's assessment. The latter would require the appellant to meet its burden to provide substantive evidence or legal argument sufficient to challenge the property's assessment.

As an administrative agency, the Property Tax Appeal Board only has the authority that the General Assembly confers on it by statute. *Spiel v. Property Tax Appeal Bd.*, 309 Ill. App. 3d 373, 378 (2d Dist. 1999). Consequently, to the extent that the PTAB acts outside its statutory authority, it acts without jurisdiction. See *Bd. of Educ. of City of Chicago v. Bd. of Trustees of Pub. Sch. Teachers' Pension & Ret. Fund of Chicago*, 395 Ill. App. 3d 735, 739–40 (1st Dist. 2009). The Board has no statutory authority to reduce assessments solely because the pandemic occurred (*i.e.*, to grant "COVID Relief"). However, if an appellant presents evidence demonstrating the pandemic resulted in or contributed to a reduction in the subject property's assessment, that may serve as the basis for a reduction. However, the appellant is not entitled to a reduction just because the pandemic occurred.

The appellant failed to present reliable evidence to support the argument that COVID-19 affected the value of the subject. Consequently, it is impossible to conclude the subject property was

not uniformly assessed due to COVID-19 or its market value adversely affected to any extent. In this matter, the appellant is pursuing neither of these bases for COVID-19 relief.

Instead, the appellant has taken a broad brush to the actions of the Cook County Assessor regarding 2020 assessments and concluded erroneously that every property was afforded a COVID-19 Adjustment. The Board finds the appellant's request in this appeal for an assessment reduction solely based on a claim that the assessor uniformly issued COVID-19 reduction is wholly without merit in light of the publications provided by the appellant from the county assessor's office. This assertion by the appellant is simply false.²

2. Equity

The taxpayer 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). Proof of unequal treatment in the assessment process should 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of assessment equity to be the appellant's comparable #1, #2, #3, and #4 and the board of review's comparables #1, #2, and #3. These comparables ranged in improvement assessment of \$7.37 to \$12.32 per square foot of living area. The subject's improvement assessment of \$10.03 per square foot of living area falls within the range established by the best comparables in this record. The appellant's comparables were selected due to similarities to the subject property in living area square footage, age, and construction type. The board of review's comparables were selected because of similarities to the subject property in construction type, location, age, and living area square footage. After considering the differences between the suggested comparables and the subject, the Board finds the subject's improvement assessment is supported. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

² Throughout the publications of the Cook County Assessor issuance of COVID-19 Adjustments were phrased in terms of "when warranted"; based on our Data Science team's estimates of local changes in unemployment; and "not necessarily" was there a guarantee that a reduction would issue to a given property.

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: _____

November 19, 2024



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.

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