



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

APPELLANT: Daniel O'Regan
DOCKET NO.: 20-46129.001-R-1
PARCEL NO.: 04-09-205-018-0000

The parties of record before the Property Tax Appeal Board are Daniel O'Regan, 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 **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: \$10,290
IMPR.: \$64,710
TOTAL: \$75,000

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 3,151 square feet of living area of frame and masonry construction. The dwelling is 12 years old. Home features include central air conditioning, a fireplace, and a two-car garage. The property has an 8,400 square foot site located in Northfield Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

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

1. **Market Value Evidence – Pre-COVID Adjustment**

In support of the overvaluation argument, the appellant submitted an appraisal which estimated the subject's market value as of January 1, 2020 of \$750,000. The appraiser utilized the sales comparison approach to value to estimate the subject's market value. Under this approach, the appraiser analyzed three sales. After making adjustments for pertinent factors, the appraiser estimated a value under the sales comparison approach of \$750,000, rounded.

2. Equity Evidence – Pre-COVID Adjustment

In support of this argument, the appellant submitted four equity comparables. These properties are described as Two- story, masonry or frame, single-family dwellings. They range: in age from 19 to 24 years; in size from 3,160 to 3,203 square feet of building area; and in improvement assessment from \$7.69 to \$19.50 per square foot of building area.

3. 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.
 - ...
- I'm in the south and west suburbs. **Does this guarantee my property's assessment will go down compared to my last reassessment?**

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)).

- **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.]

Appellant's Exhibit C consists of correspondence to the appellant's attorney and a printout from the Assessor's website for a residential property located in Des Plaines, Maine Township. As depicted in the exhibit, the appellant's counsel was informed by a letter of a reduction for tax year 2020 issued by the Cook County Assessor's Office, dated November 5, 2020. This letter depicts an original proposed 2020 assessment of \$32,969 and a reduction to \$30,600. Counsel added a notation asserting the reduction was reflective of the "pre-COVID market value based on the 2019 purchase price of \$306,000." Also, as part of Exhibit C, the appellant submitted an individual property characteristics printout for this parcel depicting a 2020 "total assessed value" of \$27,303, or approximately 12% less, which counsel characterized as "the pre-COVID market value [further reduced] by uniformly applying its COVID adjustment." (Exhibit C, p. 2).

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 regard, the Cook County Board of Review Final Decision dated May 26, 2021, submitted by the appellant, depicts that the subject property, at the time of the appeal to the board of review, had an "Assessor Original" valuation of \$135,272. The appellant presented no information as to whether a "COVID adjustment" had been applied by the CCAO to this original assessment. The final decision shows that the assessor's valuation of \$135,272 was reduced by the Cook County Board of Review to \$109,000. 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.

Lastly, the appellant provided Exhibit E, described as portions of the Cook County Assessor's Office COVID Adjustment Data by Neighborhood,² so, to conserve natural resources, counsel submitted the first page of the assessor's website; column headings, and 1 page of corresponding data of the downloaded spreadsheet; and an edited spreadsheet including the relevant columns of data. This latter section of Exhibit E depicts, in pertinent part, "Niles, neighborhood 21, Single-Family & Residential Condominiums" with a "CCAO's Post-COVID Median Estimated Value" and the "CCAO's Pre-COVID Median Estimated Value" stated for this particular neighborhood code a "COVID Adjustment" of -9.571. Mathematically the higher CCAO "pre-COVID" median value for Niles Township, neighborhood code 21, of \$1,168,790 appears to have been reduced by a "neighborhood code wide" 9.571% for the resulting CCAO "post-COVID" median value of \$1,056,928. There is no indication in Exhibit E that each residential and/or condominium property within neighborhood code 21 was given a 9.571% COVID adjustment in the assessment for 2020.

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, after the application of the purported 9.57% COVID-19 "neighborhood adjustment" figure, the appellant seeks a total assessment reduction to \$98,569.³

In response to the COVID adjustment aspect of this appeal, the board of review wrote:

For 2020, **the assessor used COVID to reduce valuations while sales reflected increase values generally.** Thus, COVID AV's [assessed values] render equity arguments suspect since both subject and comps are no longer accurate valuations. If sales comps support it, the BOR [Cook County Board of Review] seeks an increase in subject valuation. Subject MV [market value] \$1,031,109 x 10% [=]

² Counsel's submission described the website with this data as voluminous and difficult to print legibly. Moreover, if downloaded entirely to a spreadsheet, the information would be "nearly 300 pages to print."

³ $\$1,090,000 - 9.57\% = 985,690$ COVID adjusted market value or an assessment of \$98,569 at the 10% level of assessment.

\$103,109 which is higher [*sic*]⁴ than subject MV \$1,090,000 x 10% 109,000. [Emphasis added.] (see Board of Review – Notes on Appeal dated November 17, 2021).

As stated, the board of review requested an increase in the subject's assessment "if supported."

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."

As to the recent sale price of the subject property, counsel notes the board of review did not challenge the arm's length nature of the purchase price or that the price was not reflective of the subject's market value at the time of sale. As to the comparable sales that were presented by the board of review, the appellant contends that this raw unadjusted sales data should be given no weight. Nevertheless, the comparable properties are each superior to the subject by having air conditioning, more bathrooms, and for sale #1, a superior lot size, and for sales #2 and #3, a superior location. Additionally, the appellant criticized the comparable sales for differing in dwelling size when compared to the subject as they are each smaller and would generally be expected to have a higher value on a per-square-foot basis than would a larger home.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$76,500. The subject's assessment reflects a market value of \$765,000 when applying the Cook County Real Property Assessment Classification Ordinance for class 2 property of 10%. In support of its contention of the correct assessment, the board of review submitted information on four comparables. The board of review comparables ranged in sale prices from \$328.86 to \$421.54 per square foot of living area and in improvement assessments from \$24.43 to \$31.37 per square foot of building area.

Conclusion of Law

1. Overvaluation

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales, or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

⁴ The tax year 2020 final decision of the Cook County Board of Review issued on May 26, 2021 depicts a total assessment of \$109,000, not \$103,109 as set forth in the argument.

Based on this record, the Board finds the appellant has proven, by a preponderance of the evidence, that the subject is overvalued, and that a reduction in the subject's assessment is justified. An equity argument is not applicable since market value has been determined. The Board finds that the subject is now fairly, and equitably assessed. See *Central Nursing Realty, LLC v. Illinois Property Tax Appeal Board*, 2020 IL App (1st) 180994, 34-36. The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The Board finds the subject property had a market value of 750,000 as of the assessment date at issue. Since market value has been established the Cook County Real Property Assessment Classification Ordinance for class 2 property of 10% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

2. 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.⁵

⁵ 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: _____

October 15, 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.

PARTIES OF RECORD

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