

## Real Property Valuation Protest

### Overview

The Nebraska Constitution requires that real property be valued uniformly and proportionately. County assessors are responsible for determining the taxable value for every parcel of real property in their county. Property owners who do not agree with the county assessor's opinion of actual value may file a protest with the county board of equalization.

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### What is a real property valuation protest?

A real property valuation protest is made by a property owner with the county board of equalization if they think their real property is assessed for more than its market value (valuation), or is disproportionately valued in relation to similar properties (equalization). **Equalization** means properties have a consistent relationship to market value (for example, properties assessed at the same percentage of market value). Owners of real property have the right to ensure their real property is assessed correctly. The real property valuation protest form is filed with the county board of equalization in the county where the real property is located.

### When will the assessed value for the current year be available?

Many counties in Nebraska have the current-year assessed valuations of real property available on the county's website. This data may be available as early as March 19 of each year. Online county data can be accessed at [revenue.nebraska.gov/PAD/county-assessors-and-parcel-search](http://revenue.nebraska.gov/PAD/county-assessors-and-parcel-search).

For counties with a population of at least 150,000, county assessors must provide preliminary valuation change notices to real property owners on or before January 15. The owners are provided with the opportunity to meet with the county assessor's office to review the preliminary assessed value from January 15 to March 1.

On or before June 1 of each year, the county assessor will send notification to the owner of record, as of May 20, of every real property parcel that has been assessed at a different value than the previous year. For counties with a population greater than 150,000, in addition to the preliminary notice, the county assessor will send a final notice of valuation change for any property that has been assessed at a different value than the previous year. The notice will be sent by first-class mail and will identify the following:

- ❖ The real property;
- ❖ The old and new valuations;
- ❖ The date the county board of equalization will convene; and
- ❖ The dates within which a protest can be filed.

## **What should be done prior to filing a protest?**

### **1. Gather information.**

Gathering information about your real property will help determine if a protest of the assessed value or equalization of the real property is warranted. Information regarding your real property can be found at the county assessor's office, and may be available on the county's website.

Upon obtaining the property record information, it is often helpful to:

- ❖ Verify information about your property, such as the dimensions, square footage, age, and condition of structures;
- ❖ Review property records and the assessed value of properties in the area that are comparable to your property; and
- ❖ Review sales information to determine if comparable properties have sold in the area, and if so, what they sold for.

The county assessor is responsible for determining the fair market or actual value of real property. All real property is valued at 100% of actual value; except for agricultural and horticultural land, which is valued at 75% of actual value, and agricultural land receiving special value is valued at 75% of the special value of the land for its agricultural or horticultural purposes. **Special valuation** is a taxable value based solely on the actual value of land for agricultural or horticultural purposes or uses, without regard to the actual value the land might have for other purposes. The actual value of real property is determined as of 12:01 a.m. on January 1 each year. The county assessor completes the assessment of real property and determines the assessed values of real property by March 19 of each year.

### **2. Meet with the county assessor.**

An informal discussion with the county assessor may help to resolve an issue or concern regarding your property. The county assessor is available to explain the assessed value of your property, answer any questions regarding the assessment of your property, and review any additional, pertinent information regarding the assessed value of your property. If the issue or concern is still not resolved after an informal discussion, a protest may be filed with the county board of equalization.

## **Should a protest be filed?**

If the assessed value of the real property is either not assessed at market value (75% of market value for agricultural and horticultural land), or is not equalized with comparable property in the area/county, a protest may be filed.

## When should the protest be filed?

[Property Valuation Protest Form 422](#) or [422A](#) must be filed between June 1 and June 30 of each year. Forms are available on the Nebraska Department of Revenue/Property Assessment website at [revenue.nebraska.gov/about/forms/pad-forms](https://revenue.nebraska.gov/about/forms/pad-forms), or at the county clerk's office. Important factors to consider when filing a protest include:

- ❖ The protest must be signed and filed with the county clerk on or before June 30. (If June 30 falls on a Saturday, Sunday, or legal holiday, the protest will be considered timely filed if submitted in person or postmarked on the next business day.)
- ❖ Each protest must contain a written statement of why the requested change in assessment should be made, include a description of the real property, and a requested valuation change. Failure to complete the required information on Forms 422 or 422A will result in a dismissal of the protest.
- ❖ A protest will be dismissed if the protest is not filed by June 30, a written statement of the reasons for the protest is not provided, or the protest does not contain a description of the property.
- ❖ If protesting multiple parcels of real property, a separate protest must be filed for each parcel.
- ❖ By filing a protest, the assessed value of your property may be increased if the county board of equalization finds that your property was undervalued by the county assessor.

## What information should be included with the protest?

Include any pertinent information that will assist in proving the assessed value of your property as of January 1 was not set at market value, or is not equalized with similar properties in the area. If information is not provided to the county board of equalization to support your request for a reduction in value, the protest may be denied. Pertinent information may include, but is not limited to:

- ❖ Recent sale information involving the purchase of your property;
- ❖ Recent sale information of comparable properties in the area/county;
- ❖ A recent appraisal of your property;
- ❖ If disputing the condition of any structures or buildings on the real property, provide photographs of the structures or buildings as of January 1;
- ❖ For income producing properties, provide income and expense information; and
- ❖ For agricultural land, provide Farm Service Agency maps or other records showing the number of certified agricultural acres.

The burden is on the property owner to prove their property has not been correctly assessed. It is important that all information presented is relevant and supports the protest by more than just a mere difference of opinion.

## When will the protest be considered?

The filed protest must be considered by the county board of equalization on or before July 25.

The county boards of equalization in Douglas, Lancaster, and Sarpy Counties may adopt a resolution to extend the deadline for hearing protests to August 10.

The process each county follows to consider the filed protest varies. Some county boards of equalization appoint referees to consider the protest and make recommendations to the county board of equalization regarding each filed protest. If a referee is used, the county board of equalization will make the final determination regarding your protest; the property owner may meet with referees instead of appearing before the county board of equalization.

The process can also vary from county to county in how the final determination is made. The county may provide a specific date and time for the protest hearing. The county may rely on the information provided along with the written protest. Contact the county clerk to determine the protest process followed in the county where your property is located.

A protest hearing is not as formal as a court of law. There is no requirement for the property owner to be represented by an attorney or an agent. If a hearing is held, it is important to remember the following:

- ❖ Be on time and prepared for the hearing;
- ❖ Provide the relevant facts regarding the protested issue; and
- ❖ Present a simple and well-organized protest by stressing key facts and figures in a logical order, and by presenting evidence in a clear and concise manner.

## **What happens once the county board of equalization makes a decision?**

The county board of equalization must issue its decision on your protest on or before August 2. Then, the county clerk must mail the decision to the property owner.

If the county boards of equalization in Douglas, Lancaster, or Sarpy Counties adopted a resolution to extend the deadline for hearing protests, this deadline may be extended to August 18.

## **What if the county board of equalization's decision is not the relief sought by the property owner?**

If the property owner is not satisfied with the decision of the county board of equalization, an appeal to the Tax Equalization and Review Commission may be filed on or before August 24.

If the county boards of equalization in Douglas, Lancaster, or Sarpy Counties adopted a resolution to extend the deadline for hearing protests, this deadline may be extended to September 10.

Further information detailing the appeal process is available on the Tax Equalization and Review Commission website at [terc.nebraska.gov](http://terc.nebraska.gov).

## **Resource List**

- ❖ [Information Guide for Real Property](#)
- ❖ [Nebraska Real Property Regulations](#)
- ❖ [Nebraska Agricultural Land Regulations](#)
- ❖ [Nebraska Statutes](#)

[revenue.nebraska.gov/PAD](http://revenue.nebraska.gov/PAD)

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