

ENG 280: Third Place**The Genre System of Appealing Property Taxes**

by Kelly Joiner

Introduction

What would life be like without any documents? Granted, the environmentalists would be pleased that more trees could be saved, but would the world be any better? Would we even be able to function in such a world? We all get tired of typing, writing, filling out forms, etc., but we would truly be lost without that information. Documentation is an enormous necessity throughout every part of life. We need it to prove where we have been, what we have done, to grasp a better understanding of the information before us, and much more. Every discourse community must include a wide variety of genres to function properly. It is important to note that the genres typically do not function on their own, but rather are created as part of a genre system. Charles Bazerman informs us that “a genre system captures the regular sequences of how one genre follows on another in the typical communication flows of a group of people” (374). These genre systems are typically broken down into groups of activities within the community.

One activity in the property tax field that includes a large genre system is the process of appealing assessments. I decided to research the various genres that are found within this activity, how they depend on and affect one another, and the importance of thinking about the writing of these genres. It is very important to understand these relationships because the proper understanding and use of these genres may ultimately affect the outcome of an assessment appeal. Throughout the course of my research, I discovered what helps determine the success or

failure of an appeal based on the genres being used. This is not a subject that has been written on extensively. According to William Doerner and Keith Ihlanfeldt, “one important element of the property tax – the appeals process – has been largely overlooked by economists, with rigorous empirical studies emerging only in the last few years” (1). For that reason, I am very pleased to have the opportunity to research this topic and, consequently, inform my readers on a very important, yet rarely understood subject.

Methods

To get a better understanding of the genre system of a property tax appeal, I had to gather information from many various sources. Throughout the course of my research, I identified approximately twenty different genres that can be included within the system. For the purposes of this paper, six of those genres were gathered as examples. These documents include the following: an assessment notice, a residential property board of review appeal form, a property record card, an Illinois Real Estate Transfer Declaration (greensheet), an appraisal, and a page out of the Publication 123 residential cost schedule. In addition to the genres, I have included within the content of this paper a diagram of the timeline on the appeal process, as well as an example comparable worksheet that is contained within an appeal form.

The most helpful source in determining the relationships within a genre system is from personal interviews. For this paper, I used information from my previous interview with Supervisor of Assessments Tammy Camp, as well as three additional interviews from experts in different parts of the field. I interviewed newly retired assessor Nancy Long, also newly retired Board of Review Chairman Rodney Fink, and the head of the education department at the Illinois Department of Revenue, Adrienne Bailey. During my interviews, I inquired about the different

genres that are used during the process of a residential assessment appeal. I also asked the experts how each of those genres work together and depend on one another to produce a successful outcome.

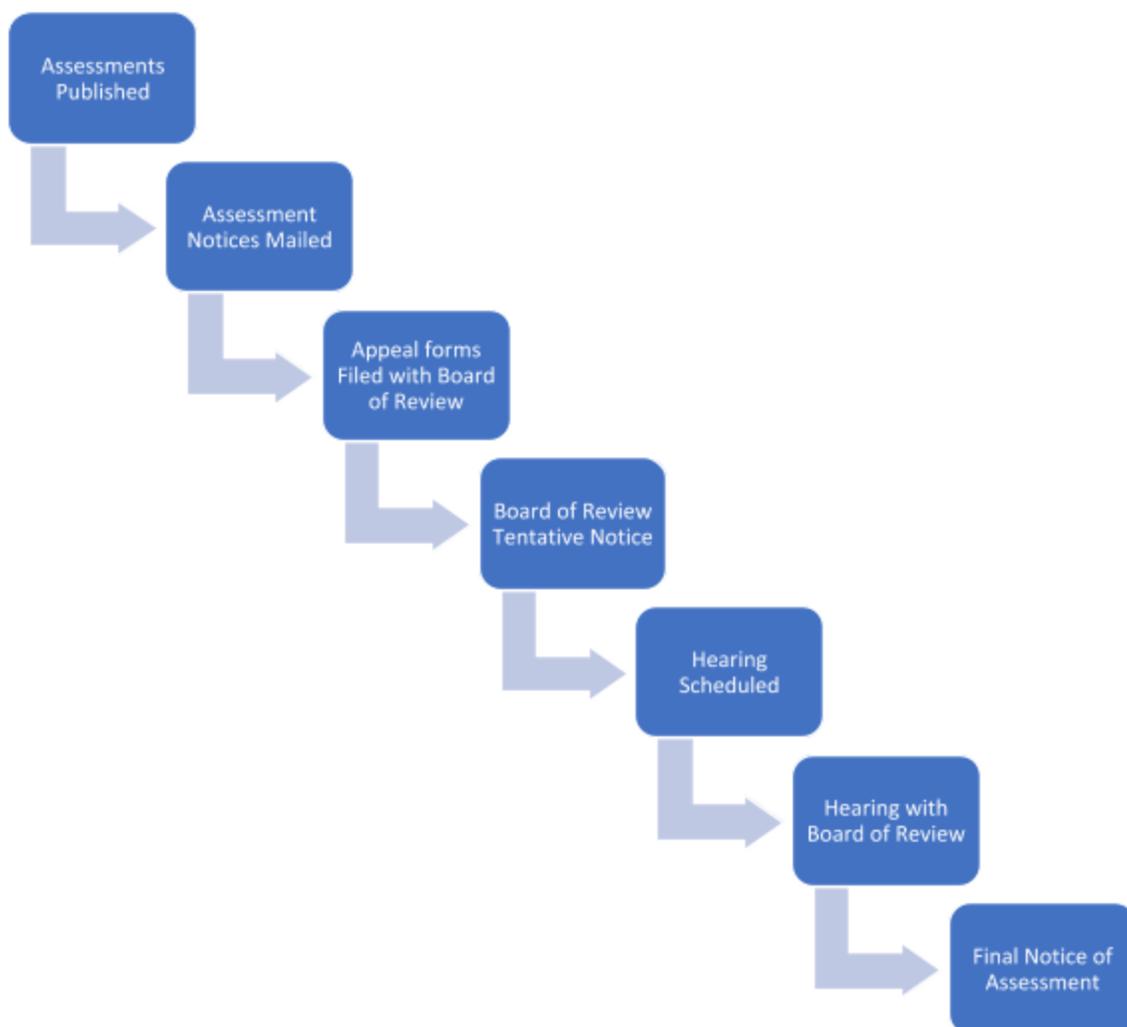
Finally, I gathered secondary sources from articles used in a college-level English class and found more using online databases. Through the Western Illinois University library website, I was able to search through many peer reviewed articles with a search engine called Gale Group, as well as Google Scholar. I also found some other useful articles through my main web browser using key terms for inquiry. Through all these sources, I gathered additional data to help me understand not only my own genre system topic, but also the background information that I needed to understand what a genre system is and how it works.

Results/Facts

During my research, I discovered many genres that are crucial to the appeal process. Most of these documents are created or at least presented in a particular order based on the timeline of the genre system. The appeal operation legally begins with the publication of assessments in the local newspaper. At the same time, assessment notices are also mailed to the appropriate taxpayers. Property owners have approximately thirty days from the date of the publication to file an appeal form with the Board of Review. Many other genres may be included with the appeal form, such as property record cards, Illinois Real Estate Transfer Declarations, an appraisal, a letter from the owner, pictures of the property, etc. At the end of the thirty-day window, board members then review all the information presented, then make a decision based on that information, as well as information of their own. Some additional genres the board may consider are trends in the housing market, current sale listings, current cost

schedules, and property record cards not yet provided. Once a decision is made, the board mails a tentative notice of decision to the appellant. If the homeowner is not satisfied with the decision, the appellant has a specified amount of time to respond to the letter with a request for a hearing. This hearing allows the owner to meet with the board in person and provide additional evidence. After the hearing, the board will mail out a final decision. This decision can be appealed to a higher entity, but that will not be discussed within the content of this paper. A timeline of these events is shown in Figure 1 below:

FIGURE 1



Board of Review Timeline of Events

Although the appeal process technically begins with a publication of assessments in the newspaper, most appeals are sparked by a notice mailed directly to the taxpayer indicating a change of assessment (Fink, Nov 2). In *How to Appeal Your Property Tax Bill*, we are educated on the events leading up to an appeal. The author states, “when your new assessment comes in the mail, it’ll list information about your property, such as lot size or a legal description, as well as the assessed value of your house and land” (Eisner Bayer). This often otherwise unknown information allows homeowners to see what value is being placed on their property and what the assessor believes it should sell for. Brent Bohlen notifies us that the assessment notice even contains information on how to determine if your property is valued fairly, providing a formula for calculating assessment based on fair market value (45). It is necessary for taxpayers to take advantage of this opportunity because assessments can often be very inaccurate. Bohlen even comments, “property valuation is a subjective undertaking and will never be a perfect science” (43). This is the purpose for the appeals process. The right to file an appeal allows for checks and balances within the system and acknowledges the fact that assessors cannot possibly value all the properties within their jurisdiction perfectly. After reviewing the information provided on the assessment notice, a property owner must decide if he or she agrees with this value. If a disagreement exists, then an appeal must be filed to possibly gain a reduction in assessment.

The next genre within this process would be the appeal form itself. Although there are different types of properties that may be appealed, I researched the case of a residential home for this paper. This form begins with basic information on the property, such as identification number, owner information, and current assessed value. When I questioned Adrienne Bailey

regarding the requirements for people writing with this genre, she stressed “they provide evidence that is required to support a claim of an inaccurate assessment, and the other documentation must support the appellant’s claim of an inaccurate assessment” (Oct 29).

Rodney Fink explained that the appeal form can be filled out many different ways, depending on the nature of the appeal. Most appeals are filed either on the basis of market value or assessment equity (Nov 2). Although they are not always utilized, all residential appeal forms include what is referred to as a comparables table (See Figure 2 on following page). Rodney went on to explain that most taxpayers seeking a reduction in assessment take advantage of the opportunity to fill out the comparables table. This document can be completed based on either recent sales data of comparable properties or the assessments of comparable properties (Nov 2). The comparables form can be crucial to the success of an appeal, which is why it will be discussed in greater detail later in this paper.

Property owners must have a great detail of knowledge about their comparable properties to complete the comparables form. They can obtain this information by looking at the property record cards located both online and within the assessor’s office. A property record card lists all the crucial information about a property. It informs the public about basic information, such as location, lot size, building size, and current assessment. It also lists the details of the interior of the home, such as bathrooms, basement area, and fireplaces. All these details must be gathered to determine how comparable other properties are to the subject property. If they are similar enough, they can possibly be used as evidence against an unfair assessment. Attorney Jerome Wallach writes to taxpayers who may need to appeal their assessments. He advises, “if the property is improved, review the records available on the assessor’s website to see if the

improvements are accurately described and that the land is properly measured” (Wallach). This indicates that the property record card is not only necessary for comparables, but also for verifying accuracy of information as well.

FIGURE 2

	SUBJECT	COMP # 1	COMP #2	COMP
Property Index Number				
Address				
Proximity to subject				
Total Land Sq Ft.				
Design / No. Stories				
Exterior Construction				
Age of Property				
Number of bathrooms				
Above Grade Living Area				
Basement area Sq. Ft.				
Finished bsmt area sq ft				
Air conditioning (yes or no)				
Number of fireplaces				
Garage or Carport (sq ft)				
Other Improvements				
Date of Sale				
Sale Price				

Sale Price per sq ft(sale price/ impr size)				
Land assessment				
Improvement assessment				
Total assessment				
Impr Asmt per sq ftImpr Assmt / Living area				

Example Comparables Table

As stated previously in this paper, other properties used as evidence can either be used based on equity or fair market value. To indicate fair market value, current sales must exist on properties similar to the one being appealed. Sale prices of properties can be found by researching Illinois Real Estate Transfer Declarations, otherwise known as greensheets. These documents can be found on file in the assessor's office, but they must be for properties sold in the last three years to be used in an appeal (Camp, Aug 27). When stressing the need for sales to be recent, Bailey explains, "for example, if a person has owned their property for twenty years, a PTAX-203 (greensheet) for their property for when they purchased it twenty years ago would not be pertinent evidence to support their claim" (Oct 29).

Another way to appeal an assessment based on sales data is to hire an appraiser. Although not all appraisals are done well, Fink assures us, "if the appraisal is done by a licensed appraiser, we usually go with it as long as we know them and their ability to do a good job. A good appraisal typically has a very strong input on the final valuation" (Nov 2). This is the most desirable method of appealing an assessment for the board of review, yet it is not the most common route for taxpayers to take. There is no required cost in filing a property tax appeal, but

an appraisal can be quite costly. Bohlen urges his readers to consider, “the cost of the appraisal should always be weighed against any potential tax savings. Oftentimes, a substantial assessment adjustment is needed to justify the expense of a fee appraisal” (46).

With the case of new homes, comparable sales and assessments are not always the best evidence and may not even exist. For new structures, the most often used method of assessment is with Publication 123 from the Department of Revenue. This genre serves as the most widely used residential cost schedule for the state of Illinois. Assessments can be calculated via this document by attributing a particular value for each feature of the home in accordance to size and then adjusting the value based on neighborhood factors and the quality of construction. Some counties may use the cost schedule as a primary basis for all assessments, but Fink warns us during his interview that this is not an ideal method and typically will not be honored as a fair assessment method by the state when comparable properties are available (Nov 2). For new homes, the manual is very helpful, because the figures were calculated based on current material and labor prices, which typically reach a value very close to the cost of construction.

Discussion and Interpretation

Within a discourse community, it is important to note that there is no single genre that can complete an activity by itself. According to Bazerman, “considering the activity system enables you to understand the total work accomplished by the system and how each piece of writing contributes to the total work” (381). The many genres within the appeal process must depend on one another to achieve a common goal. For example, an appeal cannot even be legally filed without the assessments first being published and mailed. The form itself must also include the current assessment, which is not finalized until the notices are sent. Without meeting

these criteria, an appeal will be denied by the board of review. Porter also reiterates “not infrequently, and perhaps ever and always, texts refer to other texts and in fact rely on them for their meaning. All texts are interdependent: We understand a text only insofar as we understand its precursors” (34). This suggests that not only are texts related to each other, but one’s existence is useless without the presence of the other. Just as the appeal can’t be filed without a current assessment, the comparables worksheet would be pointless without the appeal form itself. Likewise, the appeal form depends on additional evidence to be submitted for it to be accepted by the board of review for consideration. Fink reminded me during our interview that the board of review has the right to deny an appeal if no evidence has been submitted (Nov 2). This evidence could be the comparables worksheet, an appraisal, pictures, or many other different types of genres. The evidence does not guarantee a successful outcome, but the presence of evidence does guarantee that the board will give the appeal a fair consideration.

After spending some time analyzing the relationships between texts, I realized that the very exigence for an appeal is often created by a genre located within the system. Grant-Davie defines rhetorical exigence as “some kind of need or problem that can be addressed or solved through rhetorical discourse” (265). The whole process of filing an appeal is usually sparked not by an event, but rather a text that is sent to the property owner. Most homeowners are not very knowledgeable about the property tax system and, therefore, do not even know what an assessment is. Once they receive the notice in the mail, they are presented with a dollar amount of property value and the information they need to calculate a possible tax bill. If they do not believe this value is accurate, they may decide to file an appeal.

Not only do the different genres have a dependency on one another, but the proper writing of those genres is necessary for a successful outcome. Porter insists, “a text is ‘acceptable’ within a forum only insofar as it reflects the community episteme” (39). This implies that just providing the board with the proper type of documentation is not enough. That documentation must be completed in a particular format. The most frequently considered example of this is when using comparable properties. If you look back at Figure 2, you will see that there is a large amount of information that is expected to be included in this genre. Appellants must have up to date and accurate details of these properties when filling it out. Although all the details are available through the county assessor’s office, taxpayers may not realize this or wish to use information of their own. This is not acceptable for the Board of Review and will likely result in an undesirable decision made by the board. According to Fink, it is also not uncommon for homeowners to provide properties that are located in drastically different neighborhoods to be used as comparables. It is equally common to compare homes that are much different in size or condition. These types of comparables create a very weak appeal. Although Fink and his board will often take the time to find their own comparables and still give the taxpayer a fair consideration, not all boards of review do this (Nov 2). Appraisals can also occasionally fall into this category. Although appraisals are supposed to be considered a good indication of market value, Nancy Long suggests this is not always the case. She informs me that sometimes appraisers will use sales that would not be considered valid for assessment purposes (Nov 1). For example, an auction sale price is an indication of market value according to appraisal rules. According to assessment law, an auction sale is not a valid sale that indicates

market value. Appraisals with sales such as this may not be fully validated by the board of review for appeal considerations.

There are several factors that increase the likelihood that a property owner will file a valid and successful appeal. The most obvious influence is the amount of evidence submitted by the appellant. When advising readers on appealing apartment buildings, Burr and Rucker inform us that “the keys to a successful appeal are documentation; a thorough analysis of market rental rates, occupancy levels, and operating expenses; and a history of sales of comparable properties (with photographs)” (Burr and Rucker). Although residential properties would not have all the same type of evidence to submit, this is an excellent example of how various forms of documentation will increase success for an appeal. A good residential property appeal might include information such as pictures, a letter from the owner, evidence of a decline within the local market, and property record cards of comparable properties that have sold. In other words, the more genres that are included, the better the outcome.

Current market trends can also have a large influence on the outcome of an appeal, especially in an area where sales are not as prevalent. During our interview, Fink explains the process he goes through to develop a good understanding of the current market. Every year, he researches all the sales in the area from the previous twelve months from the information provided by the Lamoine Valley Board of Realtors. This includes properties sold not only in McDonough County, but also in comparable nearby areas. Through this genre set, he is able to determine the condition of the current housing market and trends at a local level (Nov 2). This is especially useful to the board of review because homeowners often claim a decline in the housing market as evidence for an appeal. While this may be true nationwide or even statewide,

it does not always reflect the market at a local level. It is important for the taxpayer to understand this concept when appealing. Wallach stresses to his readers, “unless the taxpayer is a valuation expert, it’s probable he or she is meeting with someone who knows more about property values than the owner does” (Wallach). Wallach gives this advice as a caution to taxpayers, because they may be inclined to argue with the board about sales trends, assuming they have as much, if not more, knowledge as the board does.

This brings us to another very large factor in determining the likelihood of a successful appeal: the knowledge base of the homeowner. Although this is not always the case, Weber and McMillen observe, “those willing to challenge the judgment of a government agency likely possess both the confidence necessary to instigate a complaint and the knowledge necessary to navigate through complex bureaucratic systems” (79). I do not believe the appeal process is as complicated as these writers suggest, but there is a fair amount of truth to this statement. Homeowners are more likely to (successfully) appeal their assessment when they understand the valuation process. Poe gives better insight into the reasoning behind this decision in her article. She claims, “in order to expand ideas about ‘composing’ we have to ask ourselves what ways of thinking are valued in our disciplines and professions.” When property owners don’t understand what is expected of them in an appeal, they are more inclined to not even bother starting the process. Poe goes on to say, “we often fail our students by not making explicit the ways of thinking that are valued within our classrooms, disciplines, or professions” (32). Although the assessor’s office is willing to assist taxpayers to an extent with their appeal, it’s likely that the public is not aware of this service. Again, this may result in a valid appeal not being filed due to lack of knowledge. This dilemma could be at least partially resolved by creating more methods

of raising public awareness, such as speaking on the local radio or television station. What likely prevents this from happening is a mixture of budget availability and the desire of the assessor's office to reduce appeals.

Due to the common lack of experience and knowledge that most homeowners possess, wealthier taxpayers are likely to hire an attorney to assist them in the appeal process. According to Bazerman, "the matter of arguing for the truth of propositions becomes a matter of meeting those felicity conditions that will lead the relevant audiences to accept your claims as true, thus matching the perlocutionary effect with your illocutionary intent" (372). More simply, a taxpayer's best chance at convincing the board their assessment needs lowered is to understand what the board is looking for and how to relate that information to them. Attorneys who specialize in the field of property taxes will more likely understand what that criteria is and how to present it. Tax representatives usually have a very good grasp on the property tax law and therefore may be able to create a stronger argument against a high assessment, assuming he or she is local enough to know the neighborhood.

Conclusions and Recommendations

The property tax appeal process can seem very confusing and complicated not just to the average taxpayer, but also to those working in the assessment field. Whether you are a township assessor, supervisor of assessments, or board of review member, you must fully understand the appeal process in order to assist taxpayers and make fair judgements. This also includes following the law to the full extent in every situation. If you do not follow this process properly, you could face serious consequences, as well as inaccurate assessments. Within this genre

system, there are many texts to be understood and every one of these texts relates to one another to create a system of interdependent parts. For this reason, years of study are required to be fully knowledgeable of the system.

As I explained previously, the largest factor in determining the outcome of an appeal is the proper composition of the genres that are located within the system. This includes not only making sure enough evidence is provided, but also the taxpayer's awareness of how to create the evidence in a manner that will align with the Board of Review's expectations. It is your job to have enough knowledge to assist taxpayers who are not confident in their own abilities and knowledge. You are there to help and should be willing and able to provide them with the pertinent information that is necessary to their appeal.

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