Burdens and Limitations of Cook County's Property Tax Appeal System

When homeowners believe their property tax assessment is incorrect, they can appeal to the Cook County Assessor's Office (CCAO) and/or the Cook County Board of Review (BOR). However, the appeals process can be difficult to navigate due to an often-cumbersome application process and additional obstacles built into the system itself. Below is an overview of these burdens and limitations. For more information about the property tax system, we recommend Impact for Equity's Property Tax General Explainer, Property Tax Appeals Flowchart, and Evidence Checklists. Additional information can also be found on the CCAO and BOR websites.

Burdens on Homeowners When Appealing

Homeowners have a short 30-day window to appeal to the CCAO and BOR, respectively. For CCAO appeals, homeowners have 30 days after receiving a "Notice of Proposed Assessed Valuation" to file an appeal. For BOR appeals, homeowners must submit an application on or before the official closing date of the township where their property is located, and townships are only open for 30 days. The BOR reopens each township for appeals around 60 to 90 days after the CCAO has closed it. This is a short window of time to fill out an application and collect evidence for an appeal.

Homeowners can appeal to CCAO and BOR online, in person, or via mail—but online is generally encouraged. However, online appeals also require internet access, which not everyone has. Notably, majority-Black communities lack internet access at higher rates than majority-White communities. At the same time, homes in majority-Black communities are also systemically over-assessed, resulting in tax bills that are too high for the actual value of the home. This over-assessment constitutes grounds to appeal, but a lack of internet access may functionally prevent homeowners in these communities from doing so if appealing in person or via mail is also infeasible. For example, in-person filing can be burdensome to those without access to transit, people with physical disabilities, and employees who can't visit the County Building during business hours. Additionally, sending an application via mail may be risky because the application could get lost and never arrive at the CCAO or BOR offices.

CCAO and BOR Official Rules state that homeowners may appeal on their own or retain an attorney. In practice, however, not everyone can afford to hire an attorney. Although attorneys might not charge a fee up-front, or may require only a small fee, they may otherwise take a percentage of the reduction of assessed value following a successful appeal. This creates inequity because having an attorney experienced in property tax appeals can help homeowners navigate the complexities of the appeals process. However, data does not uniformly suggest that retaining an attorney increases a homeowner's chances of winning an appeal.

Homeowners, often relying on limited information, must make a subjective determination as to their property's "true" value, whether the CCAO assessment of their home is accurate, and whether an appeal to CCAO or BOR is warranted.

The information provided by the CCAO and BOR about the appeal process can be dense and confusing. For example, both the CCAO and BOR publish Official Appeals Rules, which are long (CCAO has 27 Official Rules and BOR has 26) and are written using technical jargon and legalese. This makes it difficult for homeowners to understand the appeals process and comply with the requirements, even though failure to do so could result in an appeal being denied.

Evidence needed to build a successful appeal at the CCAO and BOR may include some or all of the following (depending on individual circumstances and reason for appeal): comparable properties, purchase and sale documentation, photographs, affidavits and other explanations supporting appeals, appraisal reports, and more. This evidence can be difficult and time-consuming to obtain. Additionally, some evidence (e.g., appraisals) may be weighted heavily by the CCAO and BOR, but costly to acquire, which further disadvantages low-income homeowners.

Structural Limitations of the Appeals System

The CCAO and BOR do not provide detailed guidance on when filing an appeal is appropriate. Therefore, it is not always clear to homeowners whether they should file an appeal. If a homeowner does decide to file an appeal, the township window of opportunity to appeal, published by the CCAO and BOR, is not always understandable or easily accessible.

The CCAO and BOR do not share information. For example, when a homeowner appeals to the CCAO before appealing to the BOR, the BOR does not receive copies of the evidence originally submitted to the CCAO, nor does the BOR receive a detailed explanation of the CCAO's appeal determination. This means (1) the homeowner must resubmit evidence to the BOR and (2) the BOR lacks relevant data pertaining to the lifecycle of the appeal.

The BOR does not publicly explain how appeals are reviewed, what evidence is considered compelling, or the standards guiding appeals decisions. Without knowing this information, homeowners cannot anticipate what is required to file a successful appeal.

Homeowners filing an appeal have a right to a hearing at the BOR (but not the CCAO). BOR guidelines state that hearings typically occur if an appeal contains "unique elements particular to their property that cannot be conveyed by written submission," but does not offer further definition or examples. This makes it difficult for homeowners to determine when a hearing would be helpful to their case. Additionally, one attorney can only schedule eight hearings at one time and can only request 45 hearings total per township filing group (BOR groups townships for filing deadline purposes), unless the BOR thinks there is a good reason to waive this requirement for an individual attorney. This means attorneys with a large number of cases may have to make subjective judgement calls regarding which cases need a hearing most.

The CCAO uses an algorithm and valuation model to assess properties, which is also used in appeals. This model incorporates a variety of factors, including interior features, flood indicators, and location metrics. For a full list of every predictor the CCAO model uses, visit www.cookcountyassessoril.gov/home-value-report. However, the model does not include some features otherwise used in valuing property, including property conditions, crime rates and neighborhood desirability, and "blighted" buildings. Property conditions are currently excluded due to a lack of reliable data, and crime rates are not incorporated because they are highly correlated with other existing features of the model (i.e., sales price, a factor the CCAO does track, often reflects neighborhood desirability).

CCAO analysts often use information outside the CCAO's database during "desk review" before reassessment notices are mailed, and also during appeals. CCAO appeal decisions are made by analysts on an appeal-by-appeal basis, but analysts have access to resources during their review that include a "New Model Prediction" for them to provide updated characteristics and receive a new model estimate. Analysts also rely on tools like aerial imagery, suggested comparables not produced by the residential automated valuation model (AVM), and their experience. The BOR can also take into consideration outside knowledge, but it has a more comprehensive internal database, which includes details about income-producing properties. The BOR system is not shared with the CCAO.

While the CCAO's goal is fair and accurate assessments, their reliance on peer comparisons does not always take into account overassessment of entire neighborhoods. In other words, if every property in a neighborhood is over-assessed, an individual homeowner in that community may lose an appeal they should have won because all other comparable properties are also over-assessed. However, when CCAO analysts do identify neighborhoods as systemically over-assessed, they can modify assessments to account for this before reassessment notices are mailed to homeowners, or correct assessment errors after notices have been sent out by "re-noticing" the neighborhood.

The CCAO most typically uses income or depreciated cost to value commercial properties, rather than sale information. This valuation can be accurate if the data input is correct, but the BOR consistently makes different input assumptions than the CCAO, and it regularly cuts commercial values in ways that are objectively unwarranted. This causes commercial properties to owe too little in taxes, and homeowners have to pay more to make up the difference.

The property tax appeals system as a whole favors businesses, especially those that consistently appeal their assessments. When businesses win their appeals (which they frequently do), the tax burden shifts to residential properties in the area, who have to make up for the fact that the business is now paying less in taxes.

The CCAO and BOR receive a high volume of appeals, and this strains the resources of both offices. This is especially true at the BOR. Time, volume, and staffing constraints mean individual appeal determinations must be made quickly, which reduces the likelihood of careful review.

There is a significant waiting period between when the CCAO or BOR reviews an appeal and when that appeal determination reaches the homeowner. At the CCAO, results of appeals are communicated via mail, so homeowners must wait weeks or months for a decision. At the BOR, wait times are even longer, with appeal decisions often taking two to three months.

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