



State of New York
UNIFIED COURT SYSTEM
SUFFOLK COUNTY
SUPREME COURT
SMALL CLAIMS ASSESSMENT REVIEW
400 Carleton Avenue
P. O. Box 9080
Central Islip, NY 11722-9080

ANDREW A. CRECCA
District Administrative Judge
Suffolk County

WARREN G. CLARK
District Executive

LEON J. ADLER
Chief Clerk

Small Claims Assessment Review (SCAR) for Supreme Court, Suffolk County:
Local Rules and Procedures

General

Failure to abide by the following rules for the Supreme Court's Small Claims Assessment Review ("SCAR") petitions may delay the disposition of your case or may result in your case being dismissed.

SCAR proceedings under RPTL §§729-739 provide owners of one, two or three family owner-occupied dwellings, and owners of properties that are unimproved and not of sufficient size to contain a one, two or three family residential structure, an opportunity to challenge the tax assessment on their properties. SCAR petitions are filed by representatives which consist of firms, attorneys, and self-represented litigants. Hearings on SCAR petitions are informal and are conducted by a hearing officer in the presence of the petitioner and the respondent.

Decorum

Parties are expected to always conduct themselves with dignity and decorum during a SCAR hearing. Appeals to prejudice and disruptive tactics are not acceptable. Colloquy between parties is not permitted and all remarks are to be addressed to the Court. Vigorous advocacy does not preclude courtesy to the opposing party and respect for the Court.

Communications with the Court

No ex parte communications are permitted.

Rules of the Chief Administrator [22 NYCRR §100.3(B)(6)(a)]:

"A hearing officer may not engage in an ex parte communication with either party. Neither counsel nor parties shall initiate ex parte communications with the Court concerning substantive matters. Letters or e-mails sent to the Court will not be considered *unless* there is an indication that a copy has been sent to all participating parties" (emphasis added).

Full correspondence should be filed to New York State Courts Electronic Filing ("NYSCEF") under the document type "Letter/ Correspondence to Judge." Opt-out self-represented litigants must notify the Court as well as the Town / Village of their correspondence by US Postal Service or through e-mail.

Calendaring Procedure

A proceeding will not be heard by the Court until it is placed on the Court's Calendar.

Pursuant to the Uniform Rules for Trial Courts [22 NYCRR §202.58(e)(4)], the calendar of cases to be considered by the Court, and any notices from the Court, will be uploaded to NYSCEF at least ten (10) working days prior to the date of the hearing.

Pursuant to the rules of NYSCEF, self-represented litigants can opt-out of participating in electronic filing. In those instances, self-represented litigants will be notified by regular US mail.

The parties should attempt to resolve issues. The Court encourages the parties to conference the case prior to it being calendared. If the parties are unable to resolve disputed issues, they may request a virtual hearing with the Court.

On a monthly basis, a list of cases that that have been settled between the parties may be submitted to the SCAR Department after all necessary settlement documents have been uploaded to NYSCEF. Upon such monthly submissions, those matters will then be advanced to the Court's next available calendar for disposition.

The Hearing

If the parties are unable to settle a case, the Court will hold a virtual hearing on submissions only. Either side must notify the Court of the need for a hearing by e-mailing such a request to the SCAR Department at SUFF-SCAR@nycourts.gov *at least seven (7) days* prior to the date the matter is scheduled to be heard by a judicial officer. A Microsoft Teams link will then be sent by the Court for the virtual hearing.

To allow sufficient time for review and rebuttal of exhibits, parties must upload all exhibits and other documents to be presented at the hearing to NYSCEF *at least five (5) days* before the hearing date. Petitioners who have opted out of participating in NYSCEF may contact the SCAR Department at SUFF-SCAR@nycourts.gov.

The parties shall be present and ready to proceed at the appointed hour.

Microsoft Teams:

The SCAR Department will be responsible for sending the parties a Microsoft Teams link for the virtual hearing and shall notify all parties through their e-mail address provided to NYSCEF. Additionally, self-represented litigants must provide an adequate phone number to the Court. The Court will contact opt-out / self-represented litigants to ascertain if they have a viable e-mail address.

If you do not have access to a device with which to participate in a virtual hearing, please contact the Court at your earliest convenience but *no later than seven (7) days* prior to the date of the scheduled hearing.

Appearances

An appearance from all parties is required at the hearing.

An “appearance” can be any of the following (*see attached forms*):

- filing of a Stipulation - Other - (Request to So Order);
- filing a Notice of Withdrawal of SCAR Petition;
- filing a Stipulation - Discontinuing Small Claims Assessment Review; or
- filing a Stipulation-Adjournment of Hearing.

Failure to appear shall result in the petition being dismissed or, alternatively, in the petition being summarily ruled upon by the hearing officer based upon the available evidence submitted. *See* Uniform Rules for Trial Courts 22 NYCRR §202.58(e)(6).

Adjournments

Adjournments shall not be granted by the hearing officer except upon good cause shown. *See* Uniform Rules for New York State Trial Courts 22 NYCRR §202.58(e)(5).

On Consent:

To request an adjournment on consent of all parties for a matter appearing on the calendar, please e-mail the SCAR Department at SUFF-SCAR@nycourts.gov. An “Open Adjournment” form must be completed, signed by both parties, and uploaded to NYSCEF under the document type: "Stipulation-Adjournment of Hearing." Consent adjournments will not be granted absent the express permission of the Court on the day of the scheduled hearing.

No Consent:

All adjournment requests that are not on consent of the opposing party must be made in writing and on notice to all parties. Only the hearing officer can grant an adjournment of the proceeding.

Hearing Exhibits

If a hearing is requested, each party must upload their exhibits to NYSCEF under the document type “Exhibit” *at least five (5) days* before the hearing date. In NYSCEF, each exhibit submission shall be identified and briefly described under the “additional document information” tab. The petitioner's exhibits shall be identified by numbers and the respondent's exhibits shall be identified by letters. Please use the PDF checker to confirm all exhibits are legible. Petitioners who have opted out of participating in NYSCEF should contact the SCAR Department at SUFF-SCAR@nycourts.gov for options on how to submit their exhibits.

If not previously included in the original petition, the completed “Designation of Representative” form must be uploaded to NYSCEF under document type "Exhibit," and please type "Designation of Representative" under the "additional document information" tab.

A new authorization must be filed pursuant to RPTL §730(6) if the previous homeowner sells the property, or if a contract of sale is executed or assigned.

Settlements

All parties are bound by written stipulation, and the petitioner is responsible for uploading stipulations or settlements to NYSCEF *at least two (2) days* prior to the scheduled court date.

Filing Requirements:

Stipulations and withdrawals must be signed by both the Town / Village and the representative or self-represented litigants.

- Stipulations must be uploaded to NYSCEF under the document type "Stipulation-Other (Request to So Order)."
- Withdrawals must be uploaded to NYSCEF under the document type "Stipulation-Other" and please type "Withdrawal" under "additional document information" tab.

A hearing officer will virtually sign the settled stipulations and the Court will upload them to NYSCEF.

Failure to timely upload stipulations before your scheduled hearing date may delay the disposition of your case. Further, failure to appear on a scheduled hearing date without an acceptable Stipulation of Settlement will result in the dismissal of the petition.

Decisions

The Court will upload the decision of the hearing officer to NYSCEF. Upon its filing, the decision is the final order of the Court, and it may not be modified by the hearing officer except to correct a clerical error.

Petitioner(s): _____

Assessing Unit: Town of _____, County of Suffolk.

District: _____ Section: _____ Block: _____ Lots: _____

The subject Small Claims Tax Review Proceeding is settled pursuant to agreement of the parties as follows:

TAX ROLL:	FINAL ASSESSMENT ROLL	CLAIMED ASSESSED VALUE	ASSESSED VALUE REDUCTION	CORRECTED ASSESSED VALUE
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Costs in the amount of \$30.00 are being waived by the petitioner. This document grants the petition in whole or in part and shall have the same force and effect as a Decision of a Small Claims Hearing Officer. The tax assessment will be changed, if possible, before the levy of taxes or a refund of over-paid taxes will be made.

Petitioner or Petitioner by this representative warrants that no other person or entity has an interest in these proceedings. In the event that the petitioner and/or the representative become aware of such an interest at any time he shall so advise the County Treasurer. In the event that it is finally adjudged by a court of competent jurisdiction that another person has an interest in these proceedings and that part or all of the tax refund to be paid herein should have been paid to such person, petitioner agrees to make payment to such person and shall hold the County of Suffolk free and harmless from any liability for any duplicate payment of a tax refund. SIGNING THIS FORM REQUIRES THE PARTIES TO COMPLY WITH ALL TERMS AND CONDITIONS SET FORTH HEREIN.

Refund to be made payable to:

() Petitioner of () Petitioner's Representative on behalf of petitioner.

_____ Date _____

() Petitioner of
() Petitioner's Representative

By: _____
Town Attorney/Assessor

Petitioner's Social Security Number

Petitioner's Address

SO ORDERED ON THE _____ day of _____
20__

Print name or Representative, if any

Representative's Address:

J.S.C.

Social Security or Fed ID Number

**SUPREME COURT: STATE OF NEW YORK
COUNTY OF SUFFOLK**

-----X
IN THE MATTER OF

PETITIONER

INDEX NO. _____

DISTRICT _____

-vs-

SECTION _____

BLOCK _____

RESPONDENT

LOT _____

-----X

**IT IS HEREBY STIPULATED AND AGREED THAT THE SMALL CLAIMS ASSESSMENT
REVIEW PETITION IN THE ABOVE ENTITLED PROCEEDING IS HEREBY WITHDRAWN.**

DATED

PETITIONER OR REPRESENTATIVE

(PRINT NAME)

TOWN ATTORNEY/ASSESSOR

(PRINT NAME)

Adjournment Request

District _____	Filing # _____
Section _____	Calendar # _____
Block _____	Hearing Date _____
Lot _____	# of OA's: _____
County: <u>SUFFOLK</u>	Assessing Unit: _____

Name of Owner(s): _____

Address of Subject: _____

Reason for Adjournment:

- Duplicate filing with _____, Need Notarized sole rep letter.
- Need Notarized Owner Affidavit of Residency
- Need Notarized Owner Affidavit stating there is no rental income from property
- Open Complaint to be Resolved
- Other

Case Heard & Approved By: _____

RESPONDENT

PETITIONER