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FEATURED

# Property owners say expert report proves Lackawanna County assessments are unfair

BY TERRIE MORGAN-BESECKER STAFF WRITER

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Lackawanna County Courthouse

FILE PHOTO

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An attorney for two property owners seeking to force Lackawanna County to reassess properties are asking a judge to rule in their favor, citing an expert's report they say clearly shows some owners are being over assessed while others are under assessed.

Properties in the North Pocono, Carbondale and Scranton area school districts are among the most over assessed, while properties the Mid Valley School district are under assessed, according to a report.

There also are wide discrepancies between municipalities, with property owners in Covington Twp., Thornhurst and Vandling being assessed at a higher percentage of their market value than those who own property in Benton, according to the report.

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The report, prepared by Robert C. Denne, a former employee of the International Association of Assessing Officers, is the key evidence in a recent motion filed in county court that asks a judge to rule on the merits of a 2018 lawsuit filed by residents Brian Skotch and Ronald Monroe. A third plaintiff, Annette Holmes, died.

The county has not reassessed properties since 1968. The suit filed by attorney Marielle Macher of the Community Justice Project, a nonprofit civil legal assistance organization, alleges that's resulted in a disproportionate tax burden because properties appreciate at different rates. It contends the county is violating the Uniformity Clause of the Pennsylvania Constitution and the Equal Protection Clause of the U.S. Constitution.

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"Lackawanna County's reliance on this incredibly outdated base year has resulted in massive property tax assessment non-uniformity ... far exceeding industry standards," Macher wrote in the motion. [Read Next Story](#)

The county continues to fight the lawsuit. The resolution of the case will ultimately boil down to an analysis of complex formulas utilized to judge assessed values compared to sales prices and whether that data proves taxation is not uniform.

Denne analyzed data from 2015 to February 2020. He utilized four metrics, each of which revealed significant variations between school districts and individual municipalities. He also found wide disparities between high and low market value properties, with lower value properties owners "paying a grossly disproportionate share of the county's tax burden."

"The nonuniformity in Lackawanna County is systemic, and in fact, so widespread that only a complete reassessment will be capable of remedying the problems," Macher wrote in the motion.

In a reply to the motion, the county's attorney, John Dean, does not challenge Denne's calculations. He instead focuses on the common level ratio factor — a statistic used to approximate market values to take into account the outdated assessed values.

The state calculates the CLR each year. In 2021, Lackawanna County's CLR is 10.75%. That means the median property assessment in the county is 10.75% of current market value.

The county's assessment expert, Joseph Fisher of Fisher and Fisher Appraisals, contends the county is not violating the uniformity clause because the process to determine the CLR figure is the same across all municipalities.

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In her motion, Macher said the CLR calculation is irrelevant because it has no bearing on the amount of taxes a property owner pays except in cases where they are appealing their assessment as being too high — a fact Fisher acknowledges in his report.

"The real issue is that the result of Lackawanna County relying on the 1968 base year is a starkly non-uniform taxation," Macher says. "Lackawanna County does not and cannot contest this basic fact."

Macher also notes prior appellate courts already rejected the county's argument in similar cases filed in Allegheny and Beaver counties. Both of those counties were court ordered to conduct a reassessment.

A judge will take the motion and county's reply under advisement and issue a ruling at a later date.

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