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Court rules in favor of homeowners' lawsuit

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The state Supreme Court on Tuesday overturned two lower court rulings that rejected a class action lawsuit filed by several Allegheny County property owners who claimed appeals of property assessments were being handled illegally.

In a 6-1 ruling, the justices said Common Pleas Judge R. Stanton Wettick Jr. should determine whether the Board of Property Assessment Appeals and Review was following its own rules when it rejected some appeals.

Wettick ruled in 2003 -- in an opinion that was affirmed by Commonwealth Court in 2004 -- that each property owner who feels he or she was wronged should file a separate appeal in court.

But attorney John Silvestri, representing three homeowners, said it is expensive to file court appeals when an assessment issue should be handled fairly by the board instead.

"This is a victory for the middle-class homeowner," he said. "A board hearing is really the only hearing they will get, because it's not cost-effective to go to the next level."

Silvestri's clients claim the board used information not presented during open hearings to decide on assessment appeals, a practice Silvestri said is no longer occurring.

The ruling does not impact several other lawsuits and appeals filed in connection with how the county assesses properties.

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