

Senate Bill 661

Sponsored by Senator NELSON, Representative JENSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Adds public housing authority to entities required to file exemption statement with county assessor.

A BILL FOR AN ACT

1
2 Relating to public housing authority tax exemption; amending ORS 307.092 and 307.162.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 307.092 is amended to read:

5 307.092. (1) Except as provided in subsection (2) of this section, the property of a housing au-
6 thority, including property held under lease or lease purchase agreement by the authority, or prop-
7 erty of a partnership wherein the authority is general partner or general manager, which
8 partnership property is leased or rented to persons of lower income for housing purposes, is declared
9 to be public property used for essential public and governmental purposes and, **upon compliance**
10 **with ORS 307.162**, such property and an authority shall be exempt from all taxes and special as-
11 sessments of the city, the county, the state or any political subdivision thereof. In lieu of such taxes
12 or special assessments, an authority may agree to make payments to the city, county or any such
13 political subdivision for improvements, services and facilities furnished by such city, county or pol-
14 itical subdivision for the benefit of a housing project, but in no event shall such payments exceed
15 the estimated cost to the city, county or political subdivision of the improvements, services or fa-
16 cilities to be so furnished.

17 (2) [*The provisions of subsection (1) of this section regarding exemption from taxes and special*
18 *assessments shall not apply to*] Property of the housing authority that is commercial property leased
19 to a taxable entity **may not be exempted from property tax and special assessments under this**
20 **section.**

21 **SECTION 2.** ORS 307.162 is amended to read:

22 307.162. (1) Before any real or personal property may be exempted from taxation under ORS
23 **307.092**, 307.115, 307.118, 307.130 to 307.140, 307.145, 307.147, 307.150, 307.160 or 307.580 for any tax
24 year, the institution or organization claiming the exemption shall file with the county assessor, on
25 or before April 1 of the assessment year, a statement verified by the oath or affirmation of the
26 president or other proper officer of the institution or organization, listing all real or personal
27 property claimed to be exempt and showing the purpose for which such property is used. However:

28 (a) If the ownership of all property included in the statement filed with the county assessor for
29 a prior year remains unchanged, a new statement shall not be required.

30 (b) When the property designated in the claim for exemption is acquired after March 1 and be-
31 fore July 1, the claim for that year shall be filed within 30 days from the date of acquisition of the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 property.

2 (c) As used in this subsection, "ownership" means legal and equitable title.

3 (2) Notwithstanding subsection (1) of this section, a statement may be filed under this section
4 on or before December 31 of the assessment year for which exemption is first desired. However,
5 any statement filed after the time for filing the statement specified in subsection (1) of this section
6 must be accompanied by a late filing fee of the greater of \$200, or one-tenth of one percent of the
7 real market value of the property to which the statement pertains, as determined for the assessment
8 year by the assessor for this purpose. If the statement is not accompanied by the late filing fee or
9 if the late filing fee is not otherwise paid, no exemption shall be allowed for the tax year based upon
10 a statement filed pursuant to this subsection. A statement may be filed under this section
11 notwithstanding that there are no grounds for hardship as required for late filing under ORS 307.475.
12 The value of the property used to determine the late filing fee under this section is appealable in
13 the same manner as other acts of the county assessor. Any filing fee collected under this section
14 shall be deposited to the county general fund.

15 (3)(a) Notwithstanding subsection (1) of this section, if an institution or organization owns
16 property that is exempt from taxation under a provision of law listed in subsection (1) of this section
17 and fails to make a timely application for exemption under subsection (1) of this section for additions
18 or improvements to the exempt property, the additions or improvements may nevertheless qualify for
19 exemption.

20 (b) The organization must file an application with the county assessor to have the additions or
21 improvements to the exempt property be exempt from taxation. The application shall:

22 (A) Describe the additions or improvements to the exempt property;

23 (B) Describe the current use of the property that is the subject of the application;

24 (C) Identify the tax year and any preceding tax years for which the exemption is sought;

25 (D) Contain any other information required by the Department of Revenue; and

26 (E) Be accompanied by a late filing fee equal to the product of the number of tax years for
27 which exemption is sought multiplied by the greater of \$200 or one-tenth of one percent of the real
28 market value, as of the most recent assessment date, of the property that is the subject of the ap-
29 plication.

30 (c) Upon the county assessor's receipt of a completed application and late filing fee, the assessor
31 shall determine if the property that is the subject of the application, for each tax year for which
32 exemption is sought, would have qualified for exemption had a timely statement been filed under
33 subsection (1) of this section. Any property that would have qualified for exemption had a timely
34 statement under subsection (1) of this section been filed shall be exempt from taxation for each tax
35 year for which the property would have so qualified.

36 (d) An application for exemption under this subsection may be filed only for tax years for which
37 the time for filing a statement under subsections (1) and (2) of this section has expired. An applica-
38 tion filed under this subsection, however, may serve as the statement required under subsection (1)
39 of this section for the current assessment year.

40 (e) For each tax year for which an exemption granted pursuant to this subsection applies:

41 (A) Any tax, or interest attributable thereto, that was paid with respect to the property that is
42 declared exempt from taxation, shall be refunded. Refunds shall be made from the unsegregated tax
43 collections account established under ORS 311.385.

44 (B) Any tax, or interest attributable thereto, that remains unpaid as of the date the exemption
45 is granted, shall be abated.

1 (f) A late filing fee collected under this subsection shall be deposited in the county general fund.

2 (4) If an institution or organization owns property that is exempt from taxation under a pro-

3 vision of law listed in subsection (1) of this section and changes the use of the property to a use that

4 would not entitle the property to exemption from taxation, the institution or organization shall no-

5 tify the county assessor of the change to a taxable use within 30 days of the change in use.

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