

Enrolled House Bill 2129

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Revenue)

CHAPTER

AN ACT

Relating to determinations of maximum assessed value; creating new provisions; amending ORS 308.153 and 311.234; repealing section 2, chapter 39, Oregon Laws 2015 (Enrolled House Bill 2487); and prescribing an effective date.

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

SECTION 1. ORS 311.234 is amended to read:

311.234. (1) *[Notwithstanding ORS 311.205 (1)(b),]* The current owner of property or other person obligated to pay taxes imposed on property may petition the county assessor for a correction in the maximum assessed value of the property for the current tax year **for the circumstances described in subsection (2) of this section.**

(2) *[Pursuant to a petition filed under this section,]* The assessor *[may]* **shall** correct the maximum assessed value of the property for the current tax year if *[there is a demonstrated]* **the petitioner demonstrates:**

(a) A difference between the actual square footage of the property as of the assessment date for the current tax year and the square footage of the property as shown in the records of the assessor for the tax year.

(b) **That new property, or new improvements to property, added to the tax roll in a prior tax year did not exist as of the assessment date for that prior tax year or any subsequent tax year.**

(3)(a) *[The]* **A** correction *[made]* under **subsection (2)(a) of this section** *[may not be proportionally different from the proportional difference between the original square footage of the property as shown in the assessor's records and the actual square footage of the property as of the assessment date for the current tax year]* **must reflect, in a manner determined by the assessor, the correction in square footage accepted by the assessor.**

(b) **A correction under subsection (2)(b) of this section:**

(A) **Must reflect, in a manner determined by the assessor, the removal of the new property or new improvements to property from the assessment and tax rolls as accepted by the assessor.**

(B) **May not be made to the extent that the assessor finds that the new property or new improvements to property existed on the assessment date of a prior tax year and the petition is best construed as demonstrating a difference in the nature, extent or value of the new property or new improvements to property.**

(4) [Notwithstanding subsection (3) of this section, the] A correction made under this section may not cause the maximum assessed value of the property to increase by more than three percent from the maximum assessed value of the property for the preceding tax year.

(5) A petition filed under this section must be on the form and contain the information prescribed by the Department of Revenue and must be filed with the county assessor on or before December 31 of the current tax year.

(6) A decision by the assessor pursuant to a petition filed under this section may be appealed under ORS 305.275.

SECTION 1a. If House Bill 2487 becomes law, section 1 of this 2015 Act (amending ORS 311.234) is repealed and ORS 311.234, as amended by section 1, chapter 39, Oregon Laws 2015 (Enrolled House Bill 2487), is amended to read:

311.234. (1) The current owner of property or other person obligated to pay taxes imposed on property may petition the county assessor for a correction of the maximum assessed value of the property for the current tax year **for the circumstances described in subsection (2) of this section.**

(2) The assessor [may] **shall** correct the maximum assessed value of the property for the current tax year if, in the petition filed under this section, the [current owner or other person obligated to pay the taxes has demonstrated] **petitioner demonstrates:**

(a) A difference between the actual square footage of the property as of the assessment date for the current tax year and the square footage of the property as shown in the records of the assessor for the tax year.

(b) **That new property, or new improvements to property, added to the tax roll in a prior tax year did not exist as of the assessment date for that prior tax year or any subsequent tax year.**

(3)(a) [The] A correction [of the maximum assessed value] made under **subsection (2)(a) of this section** must be proportional to the change in the real market value for the current tax year that is due to the correction of the square footage of the property.

(b) **A correction made under subsection (2)(b) of this section:**

(A) **Must reflect, in a manner determined by the assessor, the removal of the new property or new improvements to property from the assessment and tax rolls as accepted by the assessor.**

(B) **May not be made to the extent that the assessor finds that the new property or new improvements to property existed on the assessment date of a prior tax year and the petition is best construed as demonstrating a difference in the nature, extent or value of the new property or new improvements to property.**

(4) Notwithstanding subsection (3) of this section, [the] a correction made under this section may not cause the maximum assessed value of the property to increase by more than three percent from the maximum assessed value of the property for the preceding tax year.

(5) A petition filed under this section must be on the form and contain the information prescribed by the Department of Revenue and must be filed with the county assessor on or before December 31 of the current tax year.

(6) A decision by the assessor pursuant to a petition filed under this section may be appealed under ORS 305.275.

SECTION 2. ORS 308.153 is amended to read:

308.153. (1) If new property is added to the assessment roll or improvements are made to property as of January 1 of the assessment year, the maximum assessed value of the property shall be the sum of:

(a) The maximum assessed value determined under ORS 308.146; and

(b) The product of the value of the new property or new improvements determined under subsection (2)(a) of this section multiplied by the ratio, not greater than 1.00, of the average maximum assessed value over the average real market value for the assessment year.

(2)(a) The value of new property or new improvements shall equal the real market value of the new property or new improvements reduced (but not below zero) by the real market value of retirements from the property tax account.

(b) If the maximum assessed value of property is adjusted for fire or act of God or for demolition or removal of a building under ORS 308.146, the reduction in real market value due to fire or act of God or demolition or removal of the building may not be considered to be a retirement under this subsection.

(3)(a) For purposes of this section, property shall be considered new property, or new improvements to property, for a tax year if the property:

(A) Constituted an integral part of the land or improvements on the assessment date or the date of a site inspection by the assessor for appraisal purposes for any prior tax year;

(B) Has been continuously in existence since the prior tax year; and

(C) Was not included in the assessment of the land or improvements for any prior tax year.

(b) The following is evidence that the property was not included in the assessment of the land or improvements for a prior tax year:

(A) There is no express reference to the property in the records of the assessor; and

(B) The assessor's valuation of the land or improvements of which the property is an integral part increases as a result of inclusion of the property in the assessment.

[3] (4) The property's assessed value for the year shall equal the lesser of:

(a) The property's maximum assessed value; or

(b) The property's real market value.

SECTION 3. The amendments to ORS 308.153 and 311.234 by sections 1 and 2 of this 2015 Act apply to property tax years beginning on or after July 1, 2015.

SECTION 3a. If House Bill 2487 becomes law, section 3 of this 2015 Act is amended to read:

Sec. 3. (1) The amendments to ORS 311.234 by section 1a of this 2015 Act apply to petitions filed under ORS 311.234 on or after the effective date of this 2015 Act.

(2) The amendments to ORS 308.153 [and 311.234] by [sections 1 and 2] section 2 of this 2015 Act apply to property tax years beginning on or after July 1, 2015.

SECTION 3b. If House Bill 2487 becomes law, section 2, chapter 39, Oregon Laws 2015 (Enrolled House Bill 2487), is repealed.

SECTION 4. This 2015 Act takes effect on the 91st day after the date on which the 2015 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.

Passed by House April 13, 2015

Repassed by House May 11, 2015

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 6, 2015

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

.....
Jeanne P. Atkins, Secretary of State