

Enrolled
House Bill 3001

Sponsored by Representative ESQUIVEL

CHAPTER

AN ACT

Relating to the valuation of destroyed property; creating new provisions; amending ORS 307.475, 308.146 and 309.026; repealing ORS 308.428; and prescribing an effective date.

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

SECTION 1. ORS 308.146 is amended to read:

308.146. (1) The maximum assessed value of property shall equal 103 percent of the property's assessed value from the prior year or 100 percent of the property's maximum assessed value from the prior year, whichever is greater.

(2) Except as provided in subsections (3) and (4) of this section, the assessed value of property to which this section applies shall equal the lesser of:

- (a) The property's maximum assessed value; or
- (b) The property's real market value.

(3) Notwithstanding subsections (1) and (2) of this section, the maximum assessed value and assessed value of property shall be determined as provided in ORS 308.149 to 308.166 if:

- (a) The property is new property or new improvements to property;
- (b) The property is partitioned or subdivided;
- (c) The property is rezoned and used consistently with the rezoning;
- (d) The property is first taken into account as omitted property;
- (e) The property becomes disqualified from exemption, partial exemption or special assessment; or

(f) A lot line adjustment is made with respect to the property, except that the total assessed value of all property affected by a lot line adjustment shall not exceed the total maximum assessed value of the affected property under subsection (1) of this section.

(4) Notwithstanding subsections (1) and (2) of this section, if property is subject to partial exemption or special assessment, the property's maximum assessed value and assessed value shall be determined as provided under the provisions of law governing the partial exemption or special assessment.

(5)(a) Notwithstanding subsection (1) of this section, when a portion of property is destroyed or damaged due to fire or act of God, for the year in which the destruction or damage is reflected by a reduction in real market value, the maximum assessed value of the property shall be reduced to reflect the loss from fire or act of God.

(b) This subsection does not apply:

(A) To any property that is assessed under ORS 308.505 to 308.665.

(B) If the damaged or destroyed property is property that, when added to the assessment and tax roll, constituted minor construction for which no adjustment to maximum assessed value was made.

(c) As used in this subsection, "minor construction" has the meaning given that term in ORS 308.149.

(6)(a) If, during the period beginning on January 1 and ending on July 1 of an assessment year, any real or personal property is destroyed or damaged, the owner or purchaser under a recorded instrument of sale in the case of real property, or the person assessed, person in possession or owner in the case of personal property, may apply to the county assessor to have the real market **value** and assessed value of the property determined as of July 1 of the current assessment year.

(b) The person described in paragraph (a) of this subsection [*shall file an*] **must file the** application for assessment under this section with the county assessor on or before the later of:

(A) August 1 of the current year; or

(B) The 60th day following the date on which the property was damaged or destroyed.

(c) **Notwithstanding paragraph (b) of this subsection, an application may be filed under this subsection on or before December 31 of the current assessment year, if the application is accompanied by a late filing fee of the greater of \$200 or one-tenth of one percent of the real market value as of the most recent assessment date of the property to which the application relates. The county assessor shall deposit a late filing fee collected under this paragraph in the county general fund.**

[*(c)*] (d) If the conditions described in this subsection are applicable to the property, then notwithstanding ORS 308.210, the property shall be assessed as of July 1, at 1:00 a.m. of the assessment year, in the manner otherwise provided by law.

(7)(a) Paragraph (b) of this subsection applies if:

(A) A conservation easement or highway scenic preservation easement is in effect on the assessment date;

(B) The tax year is the first tax year in which the conservation easement or highway scenic preservation easement is taken into account in determining the property's assessed value; and

(C) A report has been issued by the county assessor under ORS 271.729 within 12 months preceding or following the date the easement was recorded.

(b) The assessed value of the property shall be as determined in the report issued under ORS 271.729, but may be further adjusted by changes in value as a result of any of the factors described in ORS 309.115 (2), to the extent adjustments do not cause the assessed value of the property to exceed the property's maximum assessed value.

(8)(a) Notwithstanding subsection (1) of this section, when a building is demolished or removed from property, for the year in which the [*demolishment*] **demolition** or removal of the building is reflected by a reduction in real market value, the maximum assessed value of the property may be reduced to reflect the [*demolishment*] **demolition** or removal of the building.

(b) This subsection does not apply:

(A) To any property that is assessed under ORS 308.505 to 308.665.

(B) If the demolished or removed property is property that, when added to the assessment and tax roll, constituted minor construction for which no adjustment to maximum assessed value was made.

(c) To receive the reduction in maximum assessed value of the property under this subsection, the property owner must file an application with the county assessor after the [*demolishment*] **demolition** or removal and on or before December 31 following the assessment date if the [*demolishment*] **demolition** or removal occurred:

(A) Before the January 1 assessment date; or

(B) During the period beginning January 1 and ending on the July 1 assessment date if the property owner has applied to have the real market **value** and assessed value of the property determined under subsection (6) of this section.

(d) As used in this subsection:

- (A) "Minor construction" has the meaning given that term in ORS 308.149.
- (B) "Property owner" means an owner or purchaser under a recorded instrument of sale in the case of real property, or the person assessed, person in possession or owner in the case of personal property.

SECTION 2. ORS 308.428 is repealed.

SECTION 3. ORS 307.475 is amended to read:

307.475. (1) Any taxpayer may apply to the Director of the Department of Revenue for a recommendation that the value of certain property be:

(a) Stricken from the assessment roll and that any taxes assessed against such property be stricken from the tax roll on the grounds of hardship; or

(b) Redetermined pursuant to ORS 308.146 (6) [or 308.428].

(2) As used in this section, "hardship" means a situation where property is subject to taxation but would have received relief had there been a timely filing of a valid claim for exemption, for cancellation of assessment or for a redetermination of value pursuant to ORS 308.146 (6) [or 308.428], and where the failure to make timely application for the exemption, cancellation or change in assessment date was by reason of good and sufficient cause.

(3) An application to the director for a recommendation of tax relief on the grounds of hardship must be made not later than December 15 of the year in which the failure to timely file a valid claim for exemption, for cancellation of assessment or for a redetermination of value pursuant to ORS 308.146 (6) [or 308.428] occurred.

(4) If the director, in the discretion of the director, finds that tax relief should be granted on the grounds of hardship, the director shall send the written recommendation of the director to the assessor of the county in which the property is located. If the assessor agrees with the recommendation, the assessor shall note approval thereon. The person in charge of the roll shall:

(a) Enter an assessment consistent with a redetermination of the value of the property as of July 1 of the assessment year;

(b) Strike all or a portion of taxes on the tax roll; or

(c) Issue a refund of taxes already paid. A refund of taxes paid shall be treated as any refund granted under ORS 311.806.

SECTION 4. ORS 309.026 is amended to read:

309.026. (1) The board of property tax appeals may convene on or after the first Monday in February of each year, but not later than the date necessary for the board to complete the functions of the board by April 15. The board shall meet at the courthouse or courthouse annex. If the meeting place is other than the courthouse or annex, notice of the meeting place shall be posted daily in the courthouse. The board shall continue its sessions from day to day, exclusive of legal holidays, until the functions provided in subsections (2) and (3) of this section are completed.

(2) The board shall hear petitions for the reduction of:

(a) The assessed value or specially assessed value of property as of January 1 or as determined under ORS 308.146 (6)(a) [or 308.428];

(b) The real market value of property as of January 1 or as determined under ORS 308.146 (6)(a) [or 308.428];

[*(c) The maximum assessed value of property as of January 1 or as determined under ORS 308.146 (5)(a) and 308.428;*]

[*(d)*] (**c**) The maximum assessed value of property as of January 1 or as determined under ORS 308.146 (5)(a) or (8)(a) [or 308.428]; and

[*(e)*] (**d**) Corrections to value made under ORS 311.208.

(3) The board shall hear petitions for the reduction of value as provided in subsection (2) of this section, but only if the value that is the subject of the petition was added to the roll prior to December 1 of the tax year.

(4) The board shall consider applications to waive liability for all or a portion of the penalty imposed under ORS 308.295 or 308.296.

(5) The board shall adjourn no later than April 15.

SECTION 5. (1) The amendments to ORS 308.146 by section 1 of this 2015 Act apply to property tax years beginning on or after July 1, 2014.

(2) The amendments to ORS 307.475 and 309.026 by sections 3 and 4 of this 2015 Act and the repeal of ORS 308.428 by section 2 of this 2015 Act apply to property tax years beginning on or after July 1, 2015.

SECTION 6. (1)(a) Notwithstanding ORS 308.146 (6) and (8), for the property tax year beginning on July 1, 2014, the applications required under ORS 308.146 (6) and (8) may be filed with the county assessor until the day that is 60 days after the effective date of this 2015 Act.

(b) An application filed under this section must:

(A) Contain information necessary to substantiate the claim for a refund and any other information required by the county assessor.

(B) Be accompanied by a filing fee of \$200.

(2) For the property tax year beginning on July 1, 2014:

(a) If the amount by which the property taxes on the property are reduced, due to a determination under ORS 308.146 (6) and a reduction in maximum assessed value under ORS 308.146 (8), has not been paid, the taxes and any interest on the taxes are abated.

(b) If the amount by which the property taxes on the property are reduced, due to a determination under ORS 308.146 (6) and a reduction in maximum assessed value under ORS 308.146 (8), has been paid, the tax collector of the county in which the property is located shall notify the governing body of the county of any refund required as a result of the determination under ORS 308.146 (6) and the reduction in maximum assessed value under ORS 308.146 (8).

(3)(a) Upon receipt of notice from the tax collector under subsection (2)(b) of this section, the governing body shall cause a refund of any amount of property taxes and interest on the property taxes that has been paid to be made from the refund reserve account, if the county has established a refund reserve account under ORS 311.807, or from the unsegregated tax collections account described in ORS 311.385.

(b) A refund under this section shall be made without interest.

(4) The county assessor and the tax collector shall make the necessary corrections in the records of their offices.

SECTION 7. 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

Received by Governor:

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

Approved:

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

Timothy G. Sekerak, Chief Clerk of House

Tina Kotek, Speaker of House

Passed by Senate May 5, 2015

Kate Brown, Governor

Filed in Office of Secretary of State:

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

Peter Courtney, President of Senate

Jeanne P. Atkins, Secretary of State