

**Enrolled**  
**Senate Bill 311**

Sponsored by Senator ROBLAN, Representative BOONE; Representatives MARSH, MCKEOWN  
(Presession filed.)

CHAPTER .....

AN ACT

Relating to property tax exemption for seismic retrofitting costs; and prescribing an effective date.

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

**SECTION 1. (1) As used in sections 1 to 5 of this 2017 Act:**

**(a)(A) "Eligible costs" means costs that are:**

- (i) Directly related to the work necessary to seismically retrofit eligible property; and**
- (ii) Incurred after an application relating to the retrofitting has been approved under section 2 of this 2017 Act.**

**(B) "Eligible costs" includes, but is not limited to:**

- (i) All costs directly related to structural seismic retrofitting, including, but not limited to, the necessary costs of demolition and restoration of similar architectural finishes, electrical systems, plumbing and mechanical systems necessary for access; and**
- (ii) Architectural and engineering fees, and fees for testing, insurance and project management, related to the seismic retrofitting.**

**(C) "Eligible costs" does not include:**

- (i) Costs associated with refurbishing or remodeling that are intended to enhance the aesthetics, functionality or marketability of the improvements but do not extend the seismic life safety of the improvements; or**
- (ii) Costs for abatement of hazardous materials, including, but not limited to, asbestos, or for relocation or loss of rent during the seismic retrofitting.**

**(b) "Eligible property" means improvements built before January 1, 1993, that constitute a commercial, industrial or multifamily building.**

**(2) The governing body of a city or county may adopt an ordinance or resolution providing for exemption or partial exemption from ad valorem property taxation of eligible property that will be seismically retrofitted.**

**(3)(a) An ordinance or resolution adopted under this section must specify the eligibility requirements for the exemption or partial exemption.**

**(b) Notwithstanding paragraph (a) of this subsection, property is not eligible for an exemption or partial exemption pursuant to this section if, at the time an application for the property is filed under section 2 of this 2017 Act, the property is:**

- (A) Subject to assessment under ORS 308.505 to 308.681; or**
- (B) State-appraised industrial property as defined in ORS 306.126.**

**(4)(a) An ordinance or resolution adopted under this section must specify the period, not to exceed 15 years, for which the exemption or partial exemption may be granted.**

(b) Eligible property may be granted exemption or partial exemption under this section until the earlier of:

(A) The expiration of the period for which the eligible property is eligible for exemption or partial exemption under paragraph (a) of this subsection; or

(B) The date on which the dollar amount of the tax benefit from the exemption or partial exemption equals the eligible costs for the property.

(c) The ordinance or resolution may:

(A) Further restrict eligible properties to unreinforced masonry buildings, unreinforced concrete buildings or any other building type considered seismically dangerous by the governing body of the city or county; and

(B) Impose any other conditions for the exemption or partial exemption that do not conflict with sections 1 to 5 of this 2017 Act.

(5)(a) A city or county may amend or repeal an ordinance or resolution adopted under this section at any time.

(b) Notwithstanding paragraph (a) of this subsection, eligible property that is granted an exemption or partial exemption under this section when the ordinance or resolution is amended or repealed shall continue to receive the exemption or partial exemption for the period granted, pursuant to the provisions of the ordinance or resolution in effect when the property was initially granted the exemption or partial exemption.

(6)(a) An ordinance or resolution adopted under this section does not become effective unless the rates of taxation of the taxing districts located within the territory of the city or county whose governing bodies agree to the exemption or partial exemption, when combined with the rate of taxation of the city or county that adopted the ordinance or resolution, equal 75 percent or more of the total combined rate of taxation within the territory of the city or county. In agreeing to the exemption or partial exemption, the governing bodies of the taxing districts shall impose a limit on the total amount of exemptions and partial exemptions that may be approved.

(b) If an ordinance or resolution becomes effective pursuant to paragraph (a) of this subsection, the exemption or partial exemption shall be effective for the tax levies of all taxing districts in which an eligible property that is granted an exemption or partial exemption is located.

**SECTION 2.** (1)(a) The owner of eligible property seeking an exemption or partial exemption for the eligible property under an ordinance or resolution adopted pursuant to section 1 of this 2017 Act must file an application, with the governing body of the city or county that adopted the ordinance or resolution, on or before March 15 preceding the beginning of the property tax year for which the exemption or partial exemption is sought. A single application may be filed for eligible property in contiguous tax accounts under common ownership.

(b) Notwithstanding paragraph (a) of this subsection, an application may be filed after March 15 and on or before December 31 if the application is accompanied by a late filing fee equal to the greater of \$200 or one-tenth of one percent of the real market value of the eligible property to which the application relates as of the assessment date for that tax year.

(2) An application filed pursuant to this section must include:

(a) The address of the eligible property.

(b) Documentation showing the ownership of the eligible property by the person filing the application.

(c) Documentation showing that all applicable eligibility requirements have been met.

(d) Documentation of estimated eligible costs with respect to the eligible property prepared by a person unrelated to the owner of the eligible property and having expertise in estimating such costs. Documentation of eligible costs may include, but is not limited to, bids, cost estimates, copies of contracts, notes and minutes of contract negotiations and

accounts, invoices, sales receipts and other payment records of purchases, sales, leases and other transactions relating to the eligible costs.

(e) Plans, calculations and any other documentation prepared and stamped by a registered structural engineer or architect establishing to the satisfaction of the city or county that the proposed seismic retrofitting meets or exceeds the standard defined as Basic Performance Objective for Existing Buildings in the Seismic Evaluation and Retrofit of Existing Buildings ASCE/SEI 41-13, published by the American Society of Civil Engineers and the Structural Engineering Institute, as in effect on December 31, 2016, unless the governing body of the city or county has expressly approved or required a different standard that enhances life safety in a seismic event. The documentation must include seismic retrofitting for any parapets, cornices and chimneys. The standard of care for documentation prepared and stamped under this paragraph is the same as for documents stamped in accordance with ORS 671.025 or 672.020.

(f) Documentation of any financial incentives received from local, state or federal government for the seismic retrofitting of the eligible property, exclusive of the exemption or partial exemption granted under sections 1 to 5 of this 2017 Act.

(g) An application fee, if any, required by the city or county.

(3) The application shall be reviewed by the city or county. The city or county may consult with the owner of the eligible property about the application, and the owner may amend the application.

(4)(a) If the city or county determines that the application does not meet the requirements of this section, the city or county shall promptly notify the owner of the eligible property in writing that the application is not approved, stating the reasons for the determination. A determination under this paragraph is not reviewable, but the owner of the eligible property may file an application under this section for any subsequent year.

(b) If the city or county determines that the application meets the requirements of this section, the city or county shall promptly:

(A) Notify the owner of the eligible property in writing that the application is approved; and

(B) Notify the county assessor in writing that the application is approved and certify the period for which the exemption or partial exemption is granted and the estimated eligible costs with respect to the eligible property, reduced by any financial incentives received from local, state or federal government for the seismic retrofitting of the eligible property, exclusive of the exemption or partial exemption granted under sections 1 to 5 of this 2017 Act.

(5) The assessor of the county in which the eligible property granted an exemption or partial exemption is located may charge the owner a fee of up to \$200 for the first year and up to \$100 for each subsequent year for which the exemption or partial exemption is granted to compensate the assessor for duties imposed under sections 1 to 5 of this 2017 Act.

(6) Upon receiving notice under subsection (4) of this section of the approval of an application, the owner of the eligible property shall cause to be recorded with the clerk of the county in which the eligible property is located a notice that contains a legal description of the eligible property and a statement that the eligible property has been granted a property tax exemption pursuant to an ordinance or resolution adopted under section 1 of this 2017 Act and that the owner, or the owner's successor or assignees, may be liable for additional taxes under section 5 of this 2017 Act.

(7) The transfer of the eligible property shall not disqualify the eligible property from an exemption or partial exemption granted to the eligible property under the ownership of the transferor, provided the transferee:

(a) Notifies the city or county and the county assessor as soon as practicable of the transfer and of the transferee's intention to continue the seismic retrofitting in a manner consistent with the requirements of sections 1 to 5 of this 2017 Act; and

(b) Complies with all requirements under sections 1 to 5 of this 2017 Act.

**SECTION 3. (1) An ordinance or resolution adopted under section 1 of this 2017 Act must state the percentage of the exemption to be applied to the real market value of the eligible property.**

**(2) The exemption or partial exemption shall apply to existing eligible property of any classification under rules established by the Department of Revenue pursuant to ORS 308.215 (1)(a)(C) that is consistent with the definition of “eligible property” under section 1 of this 2017 Act.**

**(3) ORS 307.032 applies to eligible property granted partial exemption under the ordinance or resolution.**

**(4) Each year the county assessor shall add to the assessment and tax rolls of the county, with respect to the eligible property granted exemption or partial exemption pursuant to an ordinance or resolution adopted under section 1 of this 2017 Act, the notation “potential additional tax.”**

**SECTION 4. (1)(a) Each year, on or before a date prescribed by the city or county that adopted the ordinance or resolution under section 1 of this 2017 Act pursuant to which eligible property is granted an exemption or partial exemption, the owner of the eligible property shall submit documentation of actual eligible costs incurred and an updated estimate of the eligible costs to the city or county, as applicable.**

**(b) The owner shall include with the documentation the amount of any financial incentives received from local, state or federal government for the seismic retrofitting of the eligible property, exclusive of the exemption or partial exemption granted under sections 1 to 5 of this 2017 Act. The city or county shall report the amount of the incentives to the assessor of the county in which the eligible property is located, who shall reduce the eligible costs for the eligible property by the amount of the incentives.**

**(2)(a) If the updated estimate of the eligible costs is greater or less than the original estimate by 10 percent or more, the city or county shall submit the documentation and updated estimate to the county assessor.**

**(b) Upon receipt, the county assessor shall recompute the assessed value and maximum assessed value of the eligible property under ORS 308.156, beginning with the first year for which the eligible property was granted exemption or partial exemption.**

**(c) The values as recomputed under this section shall apply to the remaining period for which the eligible property has been granted exemption or partial exemption. Delinquent taxes may not be assessed or collected, and refunds may not be paid, as a consequence of the recomputation under this section for property tax years preceding the remaining period.**

**SECTION 5. (1) Eligible property that is granted exemption or partial exemption pursuant to an ordinance or resolution adopted under section 1 of this 2017 Act shall continue to receive the exemption or partial exemption until the eligible property is disqualified by the earliest of:**

**(a) The expiration of the period for which the exemption or partial exemption was certified under section 2 of this 2017 Act.**

**(b) The date on which the dollar amount of the exemption or partial exemption equals the eligible costs for the eligible property.**

**(c) The discovery by the city or county that the owner of the eligible property has failed to:**

**(A) Comply with the eligibility requirements adopted by the city or county;**

**(B) Begin or make reasonable progress on seismic retrofitting of the eligible property;**

**or**

**(C) Perform the seismic retrofitting of the eligible property in substantial compliance with documentation described in section 2 (2)(e) of this 2017 Act that was included in the application relating to the eligible property approved under section 2 of this 2017 Act.**

**(d) The discovery by the city or county that any statement or representation in any documentation filed pursuant to section 2 of this 2017 Act was misleading or false.**

(2) The city or county may provide an owner with the opportunity to cure the grounds for disqualification under subsection (1) of this section.

(3) The city or county shall notify the county assessor of the disqualification of eligible property from exemption or partial exemption under this section, and upon disqualification the eligible property shall be assessed and taxed under ORS 308.146.

(4) Upon disqualification of eligible property from exemption or partial exemption under subsection (1)(c) or (d) of this section, there shall be added to the tax extended against the eligible property on the next assessment and tax roll, to be collected and distributed in the same manner as other property taxes, additional taxes, equal to the difference between the taxes assessed against the eligible property and the taxes that otherwise would have been assessed against the eligible property if the eligible property had not been granted exemption or partial exemption, for all years for which the eligible property was granted exemption or partial exemption.

(5) Additional taxes collected under this section shall be deemed to have been imposed in the year to which the additional taxes relate.

(6) The amount of additional taxes determined to be due under this section may be paid to the tax collector prior to the completion of the next assessment and property tax roll pursuant to ORS 311.370.

**SECTION 6.** (1) Sections 1 to 5 of this 2017 Act are repealed on January 2, 2028.

(2) Notwithstanding the date specified in subsection (1) of this section, eligible property that is granted exemption or partial exemption under an ordinance or resolution adopted pursuant to section 1 of this 2017 Act before the date specified in subsection (1) of this section shall continue to receive the exemption or partial exemption under the provisions of the ordinance or resolution for the period of time for which the exemption or partial exemption was granted.

**SECTION 7.** This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

Passed by Senate April 18, 2017

Received by Governor:

Repassed by Senate June 21, 2017

.....M.,....., 2017

Approved:

.....  
Lori L. Brocker, Secretary of Senate

.....M.,....., 2017

.....  
Peter Courtney, President of Senate

.....  
Kate Brown, Governor

Passed by House June 19, 2017

Filed in Office of Secretary of State:

.....M.,....., 2017

.....  
Tina Kotek, Speaker of House

.....  
Dennis Richardson, Secretary of State