

# House Bill 2142

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

## 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**.

Increases number of years former exempt cemetery or crematory land must be used to provide exempt low income housing to have additional taxes due upon disqualification from cemetery or crematory exemption canceled.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to cemetery land used for low income housing; creating new provisions; amending section  
3 9, chapter 111, Oregon Laws 2018; and prescribing an effective date.

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

5 **SECTION 1.** Section 9, chapter 111, Oregon Laws 2018, is amended to read:

6 **Sec. 9.** (1) Notwithstanding ORS 92.095, 307.155 and 311.411, if land that is exempt under ORS  
7 307.150 ceases to be used or held exclusively for cemetery or crematory purposes, the additional  
8 taxes that would otherwise be due under ORS 307.155 (2) shall remain a potential tax liability that  
9 is not imposed if:

10 (a) As of the date of sale or other transfer of title to the land, the land is being used or held for  
11 the purpose of providing low income housing that will be exempt from ad valorem property taxation  
12 under ORS 307.515 to 307.523 or 307.540 to 307.548; and

13 (b) All other requirements set forth in subsections (2) to (5) of this section are met.

14 (2) At the time of recording the deed to the land with the county clerk, the owner of the land  
15 shall file with the assessor of the county, and the governing body of the city or county that adopted  
16 the low income housing exemption, as applicable, in which the land is located a notice of intent:

17 (a) To apply for the exemption for low income housing under ORS 307.515 to 307.523 or 307.540  
18 to 307.548 on the land; and

19 (b) To benefit from the provisions of this section.

20 (3)(a) The owner of the land must file the application for exemption, as applicable:

21 (A) Under ORS 307.521, no later than the deadlines set forth in ORS 307.523 that first occur  
22 after the date on which the owner recorded the deed to the land; or

23 (B) Under ORS 307.545, no later than the deadlines set forth in that section that first occur after  
24 the date on which the owner recorded the deed to the land.

25 (b) If the governing body to which the owner applies denies the application, the additional taxes  
26 described in ORS 307.155 (2) become due on the land.

27 (4) If the land is held for the purpose of developing low income housing for a period exceeding  
28 the reasonable maximum period, if any, adopted by the governing body of the city or county under  
29 ORS 307.517, 307.518 or 307.541, as applicable to the exemption granted for the land, the additional  
30 taxes described in ORS 307.155 (2) become due on the land.

**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 (5)(a) If the land is not used to provide low income housing that is exempt under ORS 307.515  
2 to 307.523 or 307.540 to 307.548 for at least [10] 20 consecutive property tax years, the additional  
3 taxes described in ORS 307.155 (2) become due on the land. Any period for which the land is held  
4 for the purpose of developing low income housing on the land does not count toward the [10] 20  
5 consecutive property tax years.

6 (b) After the land has been used to provide low income housing that is exempt under ORS  
7 307.515 to 307.523 or 307.540 to 307.548 for at least [10] 20 consecutive property tax years, the po-  
8 tential tax liability of the land for the additional taxes described in ORS 307.155 (2) shall end.

9 (6) Additional taxes that become due on the land under this section:

10 (a) Shall be added to the next general property tax roll, to be collected and distributed in the  
11 same manner as other real property taxes.

12 (b) Are in addition to any additional taxes or other charges that become due upon disqualifica-  
13 tion of property exempt under ORS 307.515 to 307.523 or 307.540 to 307.548.

14 (7) The lien for additional taxes that become due under this section, and the interest on the  
15 additional taxes, shall attach as of July 1 of the property tax year in which the additional taxes  
16 become due under this section.

17 (8) For each year that the additional taxes described in ORS 307.155 (2) remain a potential tax  
18 liability that is not imposed under this section, the assessor shall enter on the assessment and tax  
19 roll, with respect to the land, the notation “(potential additional tax).”

20 (9) The amount of additional taxes determined to be due under this section may be paid to the  
21 tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

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

24 **SECTION 2. The amendments to section 9, chapter 111, Oregon Laws 2018, by section 1**  
25 **of this 2019 Act apply to land first granted the benefits under section 9, chapter 111, Oregon**  
26 **Laws 2018, for a property tax year beginning on or after the effective date of this 2019 Act.**

27 **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**  
28 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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