

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2008

By COMMITTEE ON REVENUE

May 17

1 On page 1 of the printed A-engrossed bill, line 3, delete “and 307.140” and insert “, 307.140 and
2 307.162”.

3 Delete lines 5 through 26.

4 On page 2, delete lines 1 and 2 and insert:

5 “**SECTION 1.** ORS 307.140 is amended to read:

6 “307.140. Upon compliance with ORS 307.162, the following property owned or being purchased
7 by religious organizations shall be exempt from taxation:

8 “(1) All houses of public worship and other additional buildings and property used solely for
9 administration, education, literary, benevolent, charitable, entertainment and recreational purposes
10 by religious organizations, the lots on which they are situated, and the pews, slips and furniture
11 therein. However, any part of any house of public worship or other additional buildings or property
12 which is kept or used as a store or shop or for any purpose other than those stated in this section
13 shall be assessed and taxed the same as other taxable property.

14 “(2) Parking lots used for parking or any other use as long as that parking or other use is per-
15 mitted without charge for no fewer than 355 days during the tax year.

16 “(3) Land and [the] buildings [thereon] **on the land** held or used solely for cemetery or crematory
17 purposes, including any buildings solely used to store machinery or equipment used exclusively for
18 maintenance of such lands.

19 “(4)(a) **Land and buildings on the land held or used solely to provide affordable housing**
20 **to low-income households including, but not limited to, any portion of the property for any**
21 **period during which the portion of the property is rented out as affordable housing to low-**
22 **income households.**

23 “(b) **As used in this subsection:**

24 “(A) **‘Affordable housing’ has the meaning given that term in ORS 197.311.**

25 “(B) **‘Low-income households’ means households described in ORS 197.311 (1).**

26 “(5) **ORS 315.037 does not apply to this section.**

27 “**SECTION 2.** ORS 307.162 is amended to read:

28 “307.162. (1)(a) Before any real or personal property may be exempted from taxation under ORS
29 307.092, 307.110 (3)(h), 307.115, 307.118, 307.130 to 307.140, 307.145, 307.147, 307.150, 307.160, 307.181
30 (3), 307.513 or 307.580 for any tax year, the institution or organization entitled to claim the ex-
31 emption must file a claim with the county assessor, on or before April 1 preceding the tax year for
32 which the exemption is claimed. The claim must contain statements, verified by the oath or affir-
33 mation of the president or other proper officer of the institution or organization, that:

34 “(A) List all real property claimed to be exempt and show the purpose for which the real prop-
35 erty is used; and

1 “(B) Cite the statutes under which exemption for personal property is claimed.

2 “(b)(A) **Notwithstanding paragraph (a) of this subsection, a claim for an initial year of**

3 **exemption under ORS 307.140 (4) must be filed with the Department of Revenue.**

4 “(B) If the ownership of all property, other than property described in ORS 307.110 (3)(h) or

5 **307.140 (4)**, included in the claim filed with the county assessor for a prior year remains unchanged,

6 a new claim is not required.

7 “(c) When the property designated in the claim for exemption is acquired after March 1 and

8 before July 1, the claim for that year must be filed within 30 days from the date of acquisition of

9 the property.

10 “(2)(a) Notwithstanding subsection (1) of this section, a claim may be filed under this section for

11 the current tax year:

12 “(A) On or before December 31 of the tax year, if the claim is accompanied by a late filing fee

13 of the greater of \$200, or one-tenth of one percent of the real market value as of the most recent

14 assessment date of the property to which the claim pertains.

15 “(B) On or before April 1 of the tax year, if the claim is accompanied by a late filing fee of \$200

16 and the claimant demonstrates good and sufficient cause for failing to file a timely claim, is a

17 first-time filer or is a public entity described in ORS 307.090.

18 “(b)(A) Notwithstanding subsection (1) of this section, a claimant that demonstrates good and

19 sufficient cause for failing to file a timely claim, is a first-time filer or is a public entity described

20 in ORS 307.090 may file a claim under this section for the five tax years prior to the current tax

21 year:

22 “(i) Within 60 days after the date on which the county assessor mails notice of additional taxes

23 owing under ORS 311.206 for the property to which the claim filed under this subparagraph pertains;

24 or

25 “(ii) At any time if no notice is mailed.

26 “(B) A claim filed under this paragraph must be accompanied by a late filing fee of the greater

27 of \$200, or one-tenth of one percent of the real market value as of the most recent assessment date

28 of the property to which the claim pertains, multiplied by the number of prior tax years for which

29 exemption is claimed.

30 “(c) If a claim filed under this subsection is not accompanied by the late filing fee or if the late

31 filing fee is not otherwise paid, an exemption may not be allowed for the tax years sought by the

32 claim. A claim may be filed under this subsection notwithstanding that there are no grounds for

33 hardship as required for late filing under ORS 307.475.

34 “(d) The value of the property used to determine the late filing fee under this subsection and

35 the determination of the county assessor relative to a claim of good and sufficient cause are

36 appealable in the same manner as other acts of the county assessor.

37 “(e) A late filing fee collected under this subsection must be deposited in the county general

38 fund.

39 “(3)(a) In a claim for exemption of property described in ORS 307.110 (3)(h), the county or city,

40 town or other municipal corporation or political subdivision of this state that is filing the claim must

41 substantiate that the property is used for affordable housing or that it is leased or rented to persons

42 of lower income, as applicable.

43 “(b) A claim filed under this subsection must be filed annually on a form prescribed by the De-

44 partment of Revenue.

45 “(4) As used in this section:

1 “(a) ‘First-time filer’ means a claimant that:
2 “(A) Has never filed a claim for the property that is the subject of the current claim; and
3 “(B) Did not receive notice from the county assessor on or before December 1 of the tax year
4 for which exemption is claimed regarding the potential property tax liability of the property.
5 “(b)(A) ‘Good and sufficient cause’ means an extraordinary circumstance beyond the control of
6 the taxpayer or the taxpayer’s agent or representative that causes the failure to file a timely claim.
7 “(B) ‘Good and sufficient cause’ does not include hardship, reliance on misleading information
8 unless the information is provided by an authorized tax official in the course of the official’s duties,
9 lack of knowledge, oversight or inadvertence.
10 “(c) ‘Ownership’ means legal and equitable title.
11 “(5)(a) Notwithstanding subsection (1) of this section, if an institution or organization owns
12 property that is exempt from taxation under a provision of law listed in subsection (1) of this section
13 and fails to file a timely claim for exemption under subsection (1) of this section for additions or
14 improvements to the exempt property, the additions or improvements may nevertheless qualify for
15 exemption.
16 “(b) The organization must file a claim for exemption with the county assessor to have the ad-
17 ditions or improvements to the exempt property be exempt from taxation. The claim must:
18 “(A) Describe the additions or improvements to the exempt property;
19 “(B) Describe the current use of the property that is the subject of the application;
20 “(C) Identify the tax year and any preceding tax years for which the exemption is sought;
21 “(D) Contain any other information required by the department; and
22 “(E) Be accompanied by a late filing fee equal to the product of the number of tax years for
23 which exemption is sought multiplied by the greater of \$200 or one-tenth of one percent of the real
24 market value as of the most recent assessment date of the property that is the subject of the claim.
25 “(c) Upon the county assessor’s receipt of a completed claim and late filing fee, the assessor
26 shall determine for each tax year for which exemption is sought whether the additions or improve-
27 ments that are the subject of the claim would have qualified for exemption had a timely claim been
28 filed under subsection (1) of this section. Any property that would have qualified for exemption had
29 a timely claim been filed under subsection (1) of this section is exempt from taxation for each tax
30 year for which the property would have qualified.
31 “(d) A claim for exemption under this subsection may be filed only for tax years for which the
32 time for filing a claim under subsections (1) and (2)(a) of this section has expired. A claim filed under
33 this subsection, however, may serve as the claim required under subsection (1) of this section for
34 the current tax year.
35 “(e) A late filing fee collected under this subsection must be deposited in the county general
36 fund.
37 “(6) For each tax year for which an exemption granted pursuant to subsection (2) or (5) of this
38 section applies:
39 “(a) Any tax, or interest attributable thereto, that was paid with respect to the property that
40 is declared exempt from taxation must be refunded. Refunds must be made without interest from the
41 unsegregated tax collections account established under ORS 311.385.
42 “(b) Any tax, or interest attributable thereto, that remains unpaid as of the date the exemption
43 is granted must be abated.
44 “(7) If an institution or organization owns property that is exempt from taxation under a pro-
45 vision of law listed in subsection (1) of this section and changes the use of the property to a use that

1 would not entitle the property to exemption from taxation, the institution or organization must no-
2 tify the county assessor of the change to a taxable use within 30 days.

3 **“SECTION 2a. The amendments to ORS 307.140 and 307.162 by sections 1 and 2 of this**
4 **2021 Act apply to property tax years beginning on or after July 1, 2021.**

5 **“SECTION 2b. A religious organization may file a claim, under ORS 307.162 (2)(a)(A), for**
6 **exemption for property under ORS 307.140 (4) for the property tax year beginning on July 1,**
7 **2021, without paying a filing fee.”.**

8 Delete lines 37 and 38 and insert:

9 “(A) Clear and objective as described in ORS 197.307 (4); or

10 “(B) Discretionary standards related to health, safety, habitability or infrastructure.”.

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