

House Bill 3139

Sponsored by Representative BREESE-IVERSON, Senator GIROD (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would let a county grant a property tax break to homes rebuilt after being destroyed by a wildfire. (Flesch Readability Score: 72.3).

Authorizes a county to allow a homestead rebuilt by the same owner on the same lot to replace the homestead destroyed by wildfire to have a specially assessed value equal to the destroyed homestead's real market value for the property tax year during which the homestead is destroyed, to the extent of the square footage of the destroyed homestead. Provides that the specially assessed value continues until the earliest of the date on which the rebuilt homestead is no longer the owner's principal dwelling, is rented to another person for any duration or is transferred to new ownership.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the assessment of rebuilt homesteads; creating new provisions; amending ORS 310.165;
3 and prescribing an effective date.

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

5 **SECTION 1. (1) As used in this section:**

6 (a) **"Destroyed homestead" means a homestead that was destroyed by wildfire in a county**
7 **included in the geographical area covered by a state of emergency declared in response to**
8 **the wildfire.**

9 (b) **"Eligible property" means a rebuilt homestead to the extent that the total square**
10 **footage of the rebuilt homestead does not exceed the total square footage of the destroyed**
11 **homestead that the rebuilt homestead replaces.**

12 (c) **"Homestead" has the meaning given that term in ORS 311.666.**

13 (d) **"Rebuilt homestead" means a homestead that is constructed to replace a destroyed**
14 **homestead by the same owner on the same lot.**

15 (2)(a) **The governing body of a county may elect by ordinance or resolution to allow eli-**
16 **gible property to be assessed and taxed in accordance with this section.**

17 (b) **The ordinance or resolution may:**

18 (A) **Prescribe the methods by which the assessor administers this section, including, but**
19 **not limited to, how claims are made; and**

20 (B) **Impose a fee on the owner of the rebuilt homestead for the actual cost to the county**
21 **of recording the notice under subsection (7)(b) of this section.**

22 (3)(a) **Eligible property may be granted a specially assessed value that equals the real**
23 **market value of the destroyed homestead as shown on the tax statement delivered pursuant**
24 **to ORS 311.250 for the property tax year that began on the July 1 immediately preceding the**
25 **date on which the homestead was destroyed by wildfire.**

26 (b) **For the first property tax year for which eligible property is assessed under this**

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 section, the eligible property's maximum specially assessed value shall equal the product of
 2 the specially assessed value multiplied by the ratio, not greater than 1.00, of the maximum
 3 assessed value the eligible property would have had for the applicable property tax year if it
 4 were not specially assessed to the real market value of the eligible property for the applicable
 5 property tax year.

6 (c) For each year after the first property tax year for which the eligible property is spe-
 7 cially assessed under this section and before disqualification from the specially assessed
 8 value under subsection (8) of this section, the maximum specially assessed value shall equal
 9 the greater of 103 percent of the eligible property's assessed value from the prior property
 10 tax year or 100 percent of the eligible property's maximum specially assessed value from the
 11 prior property tax year.

12 (d) Property within the same property tax account that is not eligible property shall be
 13 assessed and taxed as other property similarly situated is assessed and taxed.

14 (e) For purposes of this section, square footage shall be determined by the assessor of
 15 the county in which the rebuilt homestead is located.

16 (4) The assessed value of the eligible property for any property tax year during which the
 17 eligible property is granted a specially assessed value under this section shall be the least
 18 of:

19 (a) The eligible property's maximum specially assessed value as determined under sub-
 20 section (3) of this section;

21 (b) The eligible property's real market value; or

22 (c) The eligible property's specially assessed value as determined under subsection (3) of
 23 this section.

24 (5) A claim for a specially assessed value for property under this section must:

25 (a) Be in writing on a form supplied by the Department of Revenue;

26 (b) Describe both the destroyed homestead and the rebuilt homestead;

27 (c) Recite all facts establishing the eligibility of the rebuilt homestead for the specially
 28 assessed value; and

29 (d) Have attached:

30 (A) Any information or documentation required by the department; and

31 (B) A written declaration by the applicant, subject to penalties for false swearing under
 32 ORS 162.075, that the statements contained in the claim are true.

33 (6)(a) A claim for an initial year of specially assessed value must be filed with the
 34 assessor of the county in which the rebuilt homestead is located after January 1 and on or
 35 before April 1 immediately preceding the first property tax year for which the specially as-
 36 sessed value is claimed.

37 (b) For each subsequent property tax year for which the specially assessed value is
 38 claimed, the owner of the rebuilt homestead must file an attestation, under penalties for
 39 false swearing, that the owner will continue to occupy the rebuilt homestead as the owner's
 40 principal dwelling for the entirety of the property tax year.

41 (7)(a) If all or any part of the rebuilt homestead is determined to be eligible property, a
 42 timely claim for the specially assessed value has the effect of requiring the county assessor
 43 to determine the total amount of taxes due on the eligible property in accordance with this
 44 section until the property tax year determined under subsection (8) of this section.

45 (b) Each year that eligible property is granted a specially assessed value under this sec-

1 tion, the county assessor shall enter on the assessment and tax roll that the eligible property
 2 is specially assessed and is subject to potential additional taxes by adding the notation “po-
 3 tential additional taxes.”

4 (8) Eligible property shall be assessed and taxed as other property similarly situated is
 5 assessed and taxed beginning with the property tax year that immediately succeeds the ear-
 6 liest of:

7 (a) The date on which the rebuilt homestead is no longer occupied by the owner as a
 8 homestead, except when the owner is required to be absent by reason of health or active
 9 military service;

10 (b) The date on which the rebuilt homestead is rented to another person for any dura-
 11 tion; or

12 (c) The date on which the rebuilt homestead is transferred to new ownership.

13 (9) If the grant of a specially assessed value under this section results in an overpayment
 14 of taxes paid, the amount of the overpayment shall be refunded in the manner prescribed in
 15 ORS 311.806.

16 (10) Any individual aggrieved by the denial of a claim for a specially assessed value under
 17 this section may appeal to the Oregon Tax Court in the manner provided under ORS 305.404
 18 to 305.560.

19 (11) Property other than eligible property that is added to the property tax account of
 20 the rebuilt homestead during the period of specially assessed value shall be considered to be
 21 new property or new improvements to property under ORS 308.153 for the assessment year
 22 in which the added property is first taken into account.

23 (12) If the governing body of a county adopts an ordinance or resolution that amends or
 24 ends the specially assessed value in the county, eligible property that has been granted a
 25 specially assessed value under this section before the effective date of the ordinance or re-
 26 solution shall continue to receive the specially assessed value on the same terms in effect
 27 when the specially assessed value was first granted until a circumstance listed in subsection
 28 (8) of this section occurs.

29 (13) The specially assessed value available under this section is in addition to and not in
 30 lieu of any other property tax limit, exemption or partial exemption, special assessment or
 31 deferral.

32 (14) ORS 315.037 does not apply to this section.

33 **SECTION 2.** ORS 310.165, as amended by section 2, chapter 94, Oregon Laws 2024, is amended
 34 to read:

35 310.165. (1) For any unit of property partially exempt from tax under ORS 307.250, 307.370 or
 36 308.459 or any other law, the assessor shall determine the maximum amount of taxes on property
 37 to be imposed on such unit of property under ORS 310.150, by using the lesser of the real market
 38 value or the taxable value of the unit of property after the exemption has been applied.

39 (2) For any unit of property that is specially assessed for ad valorem tax purposes under ORS
 40 308A.050 to 308A.128, 308A.250 to 308A.259, 308A.315, 321.257 to 321.390, 321.700 to 321.754, 321.805
 41 to 321.855 or 358.480 to 358.545 or section 1, chapter 94, Oregon Laws 2024, **or section 1 of this**
 42 **2025 Act**, the assessor shall determine the maximum amount of taxes on property to be imposed on
 43 such property under ORS 310.150 by using the lesser of the real market value or the specially as-
 44 sessed value of the property.

45 (3) In the case of any unit of property of which a part of the unit is exempt from taxation, and

1 that part may be identified both as to value and physical description, the real market value of the
2 unit shall not include the value of the exempt part of the unit.

3 (4) This subsection applies to any unit of property described in subsection (1) or (2) of this sec-
4 tion for which the maximum amount of taxes imposed has been determined under this section. If the
5 unit of property is subject to imposition of additional taxes due to disqualification from special as-
6 sessment or partial exemption, the determination of the maximum amount of additional taxes that
7 may be imposed due to disqualification shall be made on the basis of the real market value of the
8 property for the year to which the additional taxes relate.

9 **SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025**
10 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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