

Enrolled House Bill 2569

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

CHAPTER

AN ACT

Relating to property tax appeals; and prescribing an effective date.

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

SECTION 1. (1)(a) Whenever any property value or claim for exemption or cancellation of a property tax assessment is appealed, if the dollar amount in dispute exceeds \$1 million, the assessor of the county in which the property is located may order the officer in charge of the assessment and tax roll to include a deferred billing credit in the property tax statement of the property or in a separate notice of deferred billing.

(b) If the appeal relates to property assessed under ORS 308.505 to 308.665, the assessor of each county to which a portion of the value is apportioned may order inclusion of a deferred billing credit under paragraph (a) of this subsection:

(A) Even if the dollar amount in dispute with respect to the county is \$1 million or less; and

(B) Independently of the assessor of any other county.

(2) For purposes of this section, the dollar amount in dispute means the dollar amount of real market value or specially assessed value in dispute:

(a) For all tax years to which the appeal relates and any tax year during the pendency of the appeal; and

(b)(A) For all property of a taxpayer that is the subject of an appeal, regardless of whether the property is the subject of separate appeals; or

(B) For property that is assessed under ORS 308.505 to 308.665, for all current appeals relating to the property or to a unit of which the property is a part.

(3) For purposes of this section, the county assessor shall determine a deferred billing credit as the dollar amount necessary to address the risk presented to the county by an appeal with respect to the tax year that is the subject of the property tax statement of the property, or of the separate notice of deferred billing, in which the deferred billing credit is included.

(4) The county assessor may order issuance of a separate notice of deferred billing pursuant to this section at any time during a tax year to which an appeal relates and any tax year during the pendency of the appeal.

(5)(a) The portion of a deferred billing credit representing tax amounts that have been paid shall be refunded without interest under ORS 311.806 as soon as practicable.

(b) Any amount paid after notice of a deferred billing credit in a property tax statement or a separate notice of deferred billing is mailed that exceeds the amount due after applying the deferred billing credit shall be returned to the taxpayer without interest.

(6) Inclusion of a deferred billing credit in a property tax statement or a separate notice of deferred billing does not give rise to a cause of action other than an action to ensure proper application of the provisions of this section.

(7)(a) If a deferred billing credit is included in a property tax statement or a separate notice of deferred billing, tax amounts credited may not be considered delinquent during the period beginning with the inclusion of the credit and ending with the final resolution of the appeal to which the credit relates.

(b) During the period described in paragraph (a) of this subsection, interest may not be charged or collected on tax amounts described in paragraph (a) of this subsection.

(8) If a refund is ordered upon final resolution of the appeal to which a deferred billing credit relates, interest shall be paid as provided in ORS 311.812 for the period beginning on the later of the payment date or due date and ending on the date of refund, on:

(a) The amount refunded pursuant to subsection (5)(a) of this section that is affirmed by order upon final resolution of the appeal; and

(b) The amount by which the refund exceeds the deferred billing credit.

(9) If the final resolution of the appeal results in additional taxes due, the county assessor shall mail to the taxpayer as soon as practicable a notice containing the amount of the taxes due and the information specified in subsection (10) of this section.

(10)(a) Additional taxes due upon final resolution of the appeal are payable without interest and after application of the discount of three percent under ORS 311.505 if paid within 45 days following the date on which the county assessor mails the notice required under subsection (9) of this section.

(b)(A) If the additional taxes are not paid within the period specified in paragraph (a) of this subsection, except as provided in subsection (7) of this section, the additional taxes shall be considered for all purposes of collection and enforcement of payment as having been delinquent on the date the taxes would normally have become delinquent if the additional taxes had been timely extended on the roll.

(B) Notwithstanding subparagraph (A) of this paragraph, interest on the additional taxes shall be computed beginning on the 46th day after the date on which the county assessor mails the notice required under subsection (9) of this section.

(11) The county assessor shall provide a quarterly report to the governing body of the county showing the status of all current deferred billing credits and the status of the appeals to which the credits relate.

(12) As used in this section:

(a) "Property tax statement" means the document described in ORS 311.250.

(b) "Separate notice of deferred billing" means a notice to the taxpayer, other than the property tax statement, that the provisions of this section apply and stating the amount of the deferred billing credit and the amount of refund, if any.

SECTION 2. Section 1 of this 2011 Act applies to appeals active on, or filed on or after, the effective date of this 2011 Act.

SECTION 3. This 2011 Act takes effect on the 91st day after the date on which the 2011 regular session of the Seventy-sixth Legislative Assembly adjourns sine die.

Passed by House April 5, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 10, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State