

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2008**

1 On page 1 of the printed A-engrossed bill, line 3, delete “and 307.140” and
2 insert “, 307.140 and 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
7 owned or being purchased by religious organizations shall be exempt from
8 taxation:

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

17 “(2) Parking lots used for parking or any other use as long as that park-
18 ing or other use is permitted without charge for no fewer than 355 days
19 during the tax year.

20 “(3) Land and [*the*] buildings [*thereon*] **on the land** held or used solely for
21 cemetery or crematory purposes, including any buildings solely used to store

1 machinery or equipment used exclusively for maintenance of such lands.

2 “(4)(a) **Land and buildings on the land held or used solely to provide**
3 **affordable housing to low-income households including, but not lim-**
4 **ited to, any portion of the property for any period during which the**
5 **portion of the property is rented out as affordable housing to low-**
6 **income households.**

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

8 “(A) **‘Affordable housing’ has the meaning given that term in ORS**
9 **197.311.**

10 “(B) **‘Low-income households’ means households described in ORS**
11 **197.311 (1).**

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

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

14 “307.162. (1)(a) Before any real or personal property may be exempted from
15 taxation under ORS 307.092, 307.110 (3)(h), 307.115, 307.118, 307.130 to 307.140,
16 307.145, 307.147, 307.150, 307.160, 307.181 (3), 307.513 or 307.580 for any tax
17 year, the institution or organization entitled to claim the exemption must file
18 a claim with the county assessor, on or before April 1 preceding the tax year
19 for which the exemption is claimed. The claim must contain statements,
20 verified by the oath or affirmation of the president or other proper officer
21 of the institution or organization, that:

22 “(A) List all real property claimed to be exempt and show the purpose for
23 which the real property is used; and

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

26 “(b)(A) **Notwithstanding paragraph (a) of this subsection, a claim**
27 **for an initial year of exemption under ORS 307.140 (4) must be filed**
28 **with the Department of Revenue.**

29 “(B) If the ownership of all property, other than property described in
30 ORS 307.110 (3)(h) **or 307.140 (4)**, included in the claim filed with the county

1 assessor for a prior year remains unchanged, a new claim is not required.

2 “(c) When the property designated in the claim for exemption is acquired
3 after March 1 and before July 1, the claim for that year must be filed within
4 30 days from the date of acquisition of the property.

5 “(2)(a) Notwithstanding subsection (1) of this section, a claim may be filed
6 under this section for the current tax year:

7 “(A) On or before December 31 of the tax year, if the claim is accompa-
8 nied by a late filing fee of the greater of \$200, or one-tenth of one percent
9 of the real market value as of the most recent assessment date of the prop-
10 erty to which the claim pertains.

11 “(B) On or before April 1 of the tax year, if the claim is accompanied by
12 a late filing fee of \$200 and the claimant demonstrates good and sufficient
13 cause for failing to file a timely claim, is a first-time filer or is a public
14 entity described in ORS 307.090.

15 “(b)(A) Notwithstanding subsection (1) of this section, a claimant that
16 demonstrates good and sufficient cause for failing to file a timely claim, is
17 a first-time filer or is a public entity described in ORS 307.090 may file a
18 claim under this section for the five tax years prior to the current tax year:

19 “(i) Within 60 days after the date on which the county assessor mails
20 notice of additional taxes owing under ORS 311.206 for the property to which
21 the claim filed under this subparagraph pertains; or

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

23 “(B) A claim filed under this paragraph must be accompanied by a late
24 filing fee of the greater of \$200, or one-tenth of one percent of the real
25 market value as of the most recent assessment date of the property to which
26 the claim pertains, multiplied by the number of prior tax years for which
27 exemption is claimed.

28 “(c) If a claim filed under this subsection is not accompanied by the late
29 filing fee or if the late filing fee is not otherwise paid, an exemption may
30 not be allowed for the tax years sought by the claim. A claim may be filed

1 under this subsection notwithstanding that there are no grounds for hardship
2 as required for late filing under ORS 307.475.

3 “(d) The value of the property used to determine the late filing fee under
4 this subsection and the determination of the county assessor relative to a
5 claim of good and sufficient cause are appealable in the same manner as
6 other acts of the county assessor.

7 “(e) A late filing fee collected under this subsection must be deposited in
8 the county general fund.

9 “(3)(a) In a claim for exemption of property described in ORS 307.110
10 (3)(h), the county or city, town or other municipal corporation or political
11 subdivision of this state that is filing the claim must substantiate that the
12 property is used for affordable housing or that it is leased or rented to per-
13 sons of lower income, as applicable.

14 “(b) A claim filed under this subsection must be filed annually on a form
15 prescribed by the Department of Revenue.

16 “(4) As used in this section:

17 “(a) ‘First-time filer’ means a claimant that:

18 “(A) Has never filed a claim for the property that is the subject of the
19 current claim; and

20 “(B) Did not receive notice from the county assessor on or before De-
21 cember 1 of the tax year for which exemption is claimed regarding the po-
22 tential property tax liability of the property.

23 “(b)(A) ‘Good and sufficient cause’ means an extraordinary circumstance
24 beyond the control of the taxpayer or the taxpayer’s agent or representative
25 that causes the failure to file a timely claim.

26 “(B) ‘Good and sufficient cause’ does not include hardship, reliance on
27 misleading information unless the information is provided by an authorized
28 tax official in the course of the official’s duties, lack of knowledge, oversight
29 or inadvertence.

30 “(c) ‘Ownership’ means legal and equitable title.

1 “(5)(a) Notwithstanding subsection (1) of this section, if an institution or
2 organization owns property that is exempt from taxation under a provision
3 of law listed in subsection (1) of this section and fails to file a timely claim
4 for exemption under subsection (1) of this section for additions or improve-
5 ments to the exempt property, the additions or improvements may neverthe-
6 less qualify for exemption.

7 “(b) The organization must file a claim for exemption with the county
8 assessor to have the additions or improvements to the exempt property be
9 exempt from taxation. The claim must:

10 “(A) Describe the additions or improvements to the exempt property;

11 “(B) Describe the current use of the property that is the subject of the
12 application;

13 “(C) Identify the tax year and any preceding tax years for which the ex-
14 emption is sought;

15 “(D) Contain any other information required by the department; and

16 “(E) Be accompanied by a late filing fee equal to the product of the
17 number of tax years for which exemption is sought multiplied by the greater
18 of \$200 or one-tenth of one percent of the real market value as of the most
19 recent assessment date of the property that is the subject of the claim.

20 “(c) Upon the county assessor’s receipt of a completed claim and late fil-
21 ing fee, the assessor shall determine for each tax year for which exemption
22 is sought whether the additions or improvements that are the subject of the
23 claim would have qualified for exemption had a timely claim been filed under
24 subsection (1) of this section. Any property that would have qualified for
25 exemption had a timely claim been filed under subsection (1) of this section
26 is exempt from taxation for each tax year for which the property would have
27 qualified.

28 “(d) A claim for exemption under this subsection may be filed only for tax
29 years for which the time for filing a claim under subsections (1) and (2)(a)
30 of this section has expired. A claim filed under this subsection, however, may

1 serve as the claim required under subsection (1) of this section for the cur-
2 rent tax year.

3 “(e) A late filing fee collected under this subsection must be deposited in
4 the county general fund.

5 “(6) For each tax year for which an exemption granted pursuant to sub-
6 section (2) or (5) of this section applies:

7 “(a) Any tax, or interest attributable thereto, that was paid with respect
8 to the property that is declared exempt from taxation must be refunded. Re-
9 funds must be made without interest from the unsegregated tax collections
10 account established under ORS 311.385.

11 “(b) Any tax, or interest attributable thereto, that remains unpaid as of
12 the date the exemption is granted must be abated.

13 “(7) If an institution or organization owns property that is exempt from
14 taxation under a provision of law listed in subsection (1) of this section and
15 changes the use of the property to a use that would not entitle the property
16 to exemption from taxation, the institution or organization must notify the
17 county assessor of the change to a taxable use within 30 days.

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

21 **“SECTION 2b. A religious organization may file a claim, under ORS**
22 **307.162 (2)(a)(A), for exemption for property under ORS 307.140 (4) for**
23 **the property tax year beginning on July 1, 2021, without paying a filing**
24 **fee.”.**

25 Delete lines 37 and 38 and insert:

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

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

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