

# A-Engrossed House Bill 2080

Ordered by the House June 12  
Including House Amendments dated June 12

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Revenue for Representative Nancy Nathanson)

## 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.

*[Requires Legislative Revenue Officer to study property taxation. Directs officer to submit report of findings, including recommendations for legislation, to interim committees of Legislative Assembly related to revenue not later than September 15, 2024.]*

**Extends sunset dates of various property tax exemption programs.**

**Removes provisions of property tax exemption for community solar projects that restrict exemption to proportion owned by residential customers or leased by residential subscribers.**

**Expands property tax exemption for food processing machinery and equipment to include machinery and equipment used to process meat and wild game.**

**Authorizes city or county to administratively approve or terminate property tax exemption for multiple-unit housing project. Authorizes city or county to exempt from property tax entire structure of multiple-unit housing converted from other use.**

**Extends low income rental housing property tax exemption to housing units owned by limited equity cooperative corporations.**

**Authorizes city or county to establish schedule in which, for 10 years, percentage of property tax exemption granted to affordable multiunit rental housing increases directly with percentage of units rented to households with annual income at or below 120 percent of area median income.**

**Allows surviving spouse of disabled veteran to continue homestead property tax exemption without filing new claim.**

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

## A BILL FOR AN ACT

Relating to the property tax system; creating new provisions; amending ORS 307.175, 307.260, 307.455, 307.515, 307.521, 307.523, 307.612, 307.621 and 307.624 and section 4, chapter 405, Oregon Laws 1981, section 7, chapter 637, Oregon Laws 2005, section 4, chapter 656, Oregon Laws 2011, section 11, chapter 23, Oregon Laws 2015, section 6, chapter 112, Oregon Laws 2016, section 6, chapter 294, Oregon Laws 2017, sections 1, 2 and 3, chapter 624, Oregon Laws 2017, and section 1, chapter 578, Oregon Laws 2019; and prescribing an effective date.

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

## SUNSET DATES

**NOTE:** Sections 1 and 2 were deleted by amendment. Subsequent sections were not renumbered.

**SECTION 3. Industrial improvements newly constructed or installed in rural area.** Section 6, chapter 112, Oregon Laws 2016, is amended to read:

**Sec. 6.** (1) Sections 1 to 5, *[of this 2016 Act]* **chapter 112, Oregon Laws 2016**, are repealed on January 2, *[2024]* **2030**.

(2) Notwithstanding the date specified in subsection (1) of this section, newly constructed or

**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 installed industrial improvements that are granted exemption or deferral under an ordinance or re-  
2 solution adopted pursuant to section 1, [of this 2016 Act] **chapter 112, Oregon Laws 2016**, shall  
3 continue to receive the exemption or deferral under the provisions of the ordinance or resolution.

4 **SECTION 4. Federal land used by recreation facility operators under permit.** Section 4,  
5 chapter 405, Oregon Laws 1981, as amended by section 1, chapter 169, Oregon Laws 1985, section  
6 4, chapter 748, Oregon Laws 1995, section 4, chapter 67, Oregon Laws 2001, section 13, chapter 114,  
7 Oregon Laws 2001, section 8, chapter 509, Oregon Laws 2001, and section 2, chapter 343, Oregon  
8 Laws 2013, is amended to read:

9 **Sec. 4.** ORS 307.182 applies to tax years beginning on or after July 1, 1981, and before July 1,  
10 [2024] **2030**.

11 **SECTION 5. Food processing machinery and equipment.** Section 7, chapter 637, Oregon  
12 Laws 2005, as amended by section 1, chapter 656, Oregon Laws 2011, section 1, chapter 210, Oregon  
13 Laws 2013, and section 42, chapter 579, Oregon Laws 2019, is amended to read:

14 **Sec. 7.** Property may not qualify for a first year of exemption under ORS 307.455 for a tax year  
15 beginning on or after July 1, [2025] **2030**.

16 **SECTION 6. Property of centrally assessed companies.** Section 11, chapter 23, Oregon Laws  
17 2015, as amended by section 4, chapter 164, Oregon Laws 2019, and section 5, chapter 578, Oregon  
18 Laws 2019, is amended to read:

19 **Sec. 11.** (1) ORS 308.518 and 308.519 and the amendments to ORS 308.505 and 308.516 by  
20 sections 7 and 9, chapter 23, Oregon Laws 2015, apply to property tax years beginning on or after  
21 July 1, 2015.

22 (2) The amendments to ORS 308.671 by section 4, chapter 23, Oregon Laws 2015, apply to prop-  
23 erty tax years beginning on or after July 1, 2016.

24 (3) ORS 308.674 applies to property tax years beginning on or after July 1, 2016, and before July  
25 1, [2025] **2030**.

26 **SECTION 7. Single-unit housing.** Section 6, chapter 294, Oregon Laws 2017, is amended to  
27 read:

28 **Sec. 6.** (1) A city may not approve an application for exemption under ORS 307.674 on or after  
29 January 1, [2025] **2030**.

30 (2) Notwithstanding the date specified in subsection (1) of this section, a qualified dwelling unit  
31 of single-unit housing that was granted exemption under ORS 307.651 to 307.687 pursuant to an ap-  
32 plication approved under ORS 307.674 before the date specified in subsection (1) of this section shall  
33 continue to receive the exemption for the period of time for which the exemption was granted.

34 **SECTION 8. Property of surviving spouses of certain public safety officers killed in line**  
35 **of duty.** Section 1, chapter 578, Oregon Laws 2019, is amended to read:

36 **Sec. 1.** An exemption may not be granted under an ordinance or resolution adopted pursuant  
37 to ORS 307.295 for property tax years beginning on or after July 1, [2025] **2032**.

38  
39 **PROGRAM AMENDMENTS**

40  
41 **SECTION 9.** ORS 307.175, as amended by section 1, chapter 79, Oregon Laws 2022, is amended  
42 to read:

43 307.175. (1) As used in this section:

44 (a) "Alternative energy system" means property consisting of solar, geothermal, wind, water,  
45 fuel cell or methane gas energy systems for the purpose of heating, cooling or generating electricity.

1 (b) “Community solar project” has the meaning given that term in ORS 757.386.

2 [(c) “Residential” means that a dwelling is the occupant’s principal place of residence.]

3 [(d) “Residential subscriber” means:]

4 [(A) A subscriber who is an individual owner or tenant of residential housing; or]

5 [(B) The owner of a residential building that subscribes on behalf of tenants residing in units of  
6 low-income housing in the building.]

7 (2) The following property is exempt from ad valorem property taxation:

8 (a) An alternative energy system that is:

9 (A) A net metering facility, as defined in ORS 757.300; or

10 (B) Primarily designed to offset onsite electricity use.

11 (b) [The proportion of] A community solar project [that is owned by residential customers or  
12 leased by residential subscribers].

13 (3) Notwithstanding ORS 307.110 and 308.505 to 308.674, any portion of the real property to  
14 which an alternative energy system is affixed is exempt under this section if:

15 (a) The real property is otherwise exempt from ad valorem property taxation; and

16 (b) The alternative energy system is exempt under this section.

17 (4) Property equipped with an alternative energy system is exempt from ad valorem property  
18 taxation in an amount that equals any positive amount obtained by subtracting the real market  
19 value of the property as if it were not equipped with an alternative energy system from the real  
20 market value of the property as equipped with the alternative energy system.

21 (5) A community solar project is eligible to claim the exemption granted under this section be-  
22 ginning on the date on which the electrical inspection for the project is completed and approved.

23 [(6) The proportion of a community solar project that is owned by residential customers or leased  
24 by residential subscribers shall be the percentage of the nameplate capacity of the project that is allo-  
25 cated to such ownership or subscription as of January 1 at 1:00 a.m. of the assessment year.]

26 [(7)(a) The project manager of a community solar project seeking exemption under this section must  
27 file with the Department of Revenue, on or before March 15 preceding the property tax year for which  
28 the exemption is claimed, the proportion determined in accordance with subsection (6) of this section.  
29 The proportion may be included with the statement required under ORS 308.524.]

30 [(b) Notwithstanding paragraph (a) of this subsection, the proportion may be filed with the de-  
31 partment after March 15 and on or before May 1 of the assessment year if accompanied by a late filing  
32 fee of \$200. The late filing fee is in addition to and not in lieu of any other filing fees or penalties  
33 applicable to the taxation of the community solar project.]

34 [(8)] (6) A community solar project that is granted exemption under this section may not be  
35 granted any other exemption from ad valorem property taxes for the same property tax year.

36 **SECTION 10.** Section 4, chapter 656, Oregon Laws 2011, as amended by section 28, chapter 193,  
37 Oregon Laws 2013, section 1, chapter 542, Oregon Laws 2017, and section 2, chapter 79, Oregon  
38 Laws 2022, is amended to read:

39 **Sec. 4.** (1) The amendments to ORS 307.175 by section 3, chapter 656, Oregon Laws 2011, apply  
40 to property tax years beginning on or after July 1, 2011.

41 (2)(a) The amendments to ORS 307.175 by section 1, [of this 2022 Act] **chapter 79, Oregon Laws**  
42 **2022**, apply to property tax years beginning on or after July 1, 2022, **and before July 1, 2024.**

43 **(b) The amendments to ORS 307.175 by section 9 of this 2023 Act apply to property tax**  
44 **years beginning on or after July 1, 2024.**

45 (3) An exemption under ORS 307.175 may not be allowed for property tax years beginning after

1 July 1, 2029.

2 **SECTION 11.** ORS 307.455 is amended to read:

3 307.455. (1) As used in ORS 307.453 to 307.459:

4 (a) "Assessor" means the county assessor, or the Department of Revenue if under ORS 306.126  
5 the department is responsible for appraisal of the facility at which the qualified machinery and  
6 equipment is located.

7 (b) "Bakery product" has the meaning given that term in ORS 625.010.

8 (c) "Dairy products" has the meaning given that term in ORS 621.003.

9 (d) "Food processor":

10 (A) Means a person engaged in the business of freezing, canning, dehydrating, concentrating,  
11 preserving, processing or repacking for human consumption raw or fresh fruit, vegetables, nuts,  
12 legumes, grains, bakery products, dairy products, eggs, [or] seafood, **meat or wild game** in any  
13 procedure that occurs prior to the point of first sale by the processor.

14 (B) Does not include:

15 (i) Persons engaged in the business of producing alcoholic beverages or marijuana items as de-  
16 fined in ORS 475C.009.

17 (ii) A person engaged in the business of producing bakery products unless the person has been  
18 issued a wholesale license by the State Department of Agriculture.

19 (e) "Integrated processing line" does not include forklifts, trucks or other rolling stock used to  
20 transport material to or from a point of manufacture or assembly.

21 (f) "Qualified machinery and equipment" means property, whether new or used, that is newly  
22 acquired by a food processor and placed into service prior to January 1 preceding the first tax year  
23 for which an exemption under this section is sought, and that consists of:

24 (A) Real property machinery and equipment that is used by a food processor in the primary  
25 processing of raw or fresh fruit, vegetables, nuts, legumes, grains, bakery products, dairy products,  
26 eggs, [or] seafood, **meat or wild game**; or

27 (B) Personal property machinery and equipment that is used in an integrated processing line for  
28 the primary processing of raw or fresh fruit, vegetables, nuts, legumes, grains, bakery products,  
29 dairy products, eggs, [or] seafood, **meat or wild game**.

30 (2)(a) On or before March 1 preceding the first tax year for which property is to be exempt from  
31 taxation under this section, a food processor seeking an exemption under this section shall apply to  
32 the assessor for exemption. The application shall be on a form prescribed by the Department of  
33 Revenue and shall include any information required by the department, including a schedule of the  
34 qualified machinery and equipment for which certification is sought.

35 (b) Notwithstanding paragraph (a) of this subsection, the assessor may approve an application  
36 that is filed after March 1, and on or before December 31 of the assessment year, if the statement  
37 is accompanied by a late filing fee of the greater of \$200 or one-tenth of one percent of the real  
38 market value of the property that is the subject of the application.

39 (c) The assessor shall review the application and, if the machinery and equipment that is the  
40 subject of the application constitutes qualified machinery and equipment certified by the State De-  
41 partment of Agriculture under ORS 307.457, shall approve the application and exempt the qualified  
42 machinery and equipment.

43 (d) If any of the machinery and equipment that is the subject of the application does not con-  
44 stitute qualified machinery and equipment certified by the State Department of Agriculture under  
45 ORS 307.457, the assessor shall exclude the nonqualified machinery and equipment from the appli-

1 cation.

2 (3) Qualified machinery and equipment for which an application has been approved under sub-  
3 section (2) of this section shall be exempt for the tax year for which the application was approved  
4 and for the next four succeeding tax years, if as of the assessment date for each year the property  
5 constitutes qualified machinery and equipment.

6 (4) The duration of the exemption under subsection (3) of this section may not be extended as  
7 the result of the value of changes to qualified machinery and equipment that are attributable to  
8 rehabilitation, reconditioning or ongoing maintenance or repair.

9 (5) Notwithstanding subsection (3) of this section, qualified machinery and equipment that is  
10 used to process grains or bakery products may not be granted exemption under this section unless  
11 the qualified machinery and equipment has a total cost of initial investment of at least \$100,000 to  
12 the food processor.

13 (6) Notwithstanding subsection (3) of this section, qualified machinery and equipment that is  
14 used to process bakery products may not be granted exemption under this section if proceeds from  
15 retail sales made at the processing site constitute more than 10 percent of all proceeds from sales  
16 made at the processing site.

17 **SECTION 12. The amendments to ORS 307.455 by section 11 of this 2023 Act apply to**  
18 **property tax years beginning on or after July 1, 2024.**

19 **SECTION 13.** ORS 307.621 is amended to read:

20 307.621. (1) The city or county shall approve or deny an application filed under ORS 307.615  
21 within 180 days after receipt of the application. An application not acted upon within 180 days shall  
22 be deemed approved.

23 *[(2) Final action upon an application by the city or county shall be in the form of an ordinance*  
24 *or resolution that shall contain the owner's name and address, a description of the subject multiple-unit*  
25 *housing, either the legal description of the property or the assessor's property account number, and the*  
26 *specific conditions upon which the approval of the application is based.]*

27 **(2)(a)** Following approval and on or before the deadline set forth in ORS 307.512, the city or  
28 county shall *[file with the county assessor and send to the owner at the last-known address of the*  
29 *owner a copy of the ordinance or resolution approving or disapproving the application]* **send a notice**  
30 **of approval to the owner.**

31 **(b)** In addition, the city or county shall file with the county assessor a document listing the  
32 *[same information otherwise required to be in an ordinance or resolution under this subsection]*  
33 **owner's name and address, a description of the subject multiple-unit housing, either the legal**  
34 **description of the property or the assessor's property account number, and the specific**  
35 **conditions upon which the approval of the application is based,** as to each application **approved**  
36 **or deemed approved** under subsection (1) of this section.

37 (3) If the application is denied, the city or county shall state in writing the reasons for denial  
38 and send notice of denial to the applicant at the last-known address of the applicant within 10 days  
39 after the denial.

40 (4)(a) The city or county, after consultation with the county assessor, shall establish an appli-  
41 cation fee in an amount sufficient to cover the cost to be incurred by the city or county and the  
42 assessor in administering ORS 307.600 to 307.637.

43 (b) The application fee shall be paid to the city or county at the time the application for ex-  
44 emption is filed.

45 (c) If the application is approved, the city or county shall pay the application fee to the county

1 assessor for deposit in the county general fund, after first deducting that portion of the fee attrib-  
2 utable to its own administrative costs in processing the application.

3 (d) If the application is denied, the city or county shall retain that portion of the application fee  
4 attributable to its own administrative costs and shall refund the balance to the applicant.

5 **SECTION 14. The amendments to ORS 307.621 by section 13 of this 2023 Act apply to ap-**  
6 **plications approved on or after the effective date of this 2023 Act.**

7 **SECTION 15.** ORS 307.624 is amended to read:

8 307.624. (1)(a) Except as provided in ORS 307.627, if the city or county finds that construction  
9 of multiple-unit housing was not completed on or before the date specified in ORS 307.637, or that  
10 any provision of ORS 307.600 to 307.637 is not being complied with, or any provision required by the  
11 city or county pursuant to ORS 307.600 to 307.637 is not being complied with, the city or county  
12 shall give notice to the owner, mailed to the owner's last-known address, and to any known lender,  
13 mailed to the lender's last-known address, of the proposed termination of the exemption.

14 (b) The notice shall state the reasons for the proposed termination and shall require the owner  
15 to appear at a specified time, not less than 20 days after mailing the notice, to show cause, if any,  
16 why the exemption should not be terminated.

17 (2) If the owner fails to appear and show cause why the exemption should not be terminated, the  
18 city or county shall further notify every known lender and shall allow the lender a period of not less  
19 than 30 days, beginning with the date that the notice of failure to appear and show cause is mailed  
20 to the lender, to cure any noncompliance or to provide assurance that is adequate, as determined  
21 by the governing body, to assure the governing body that the noncompliance will be remedied.

22 (3)(a) If the owner fails to appear and show cause why the exemption should not be terminated,  
23 and a lender fails to cure or give adequate assurance that any noncompliance will be cured, **within**  
24 **10 days following the later of such failures**, the city or county shall [*adopt an ordinance or re-*  
25 *solution stating its findings terminating*] **give notice to the owner that the exemption is termi-**  
26 **nated.**

27 (b) **On the same date**, [*a*] **one** copy of the [*ordinance or resolution*] **notice** shall be filed with  
28 the county assessor [*and a copy sent to the owner at the owner's last-known address,*] and **another**  
29 **copy shall be sent** to any **affected** lender at the lender's last-known address[, *within 10 days after*  
30 *its adoption*].

31 **SECTION 16. The amendments to ORS 307.624 by section 15 of this 2023 Act apply to**  
32 **notices to owners given under ORS 307.624 (1) on or after the effective date of this 2023 Act.**

33 **SECTION 17.** ORS 307.612 is amended to read:

34 307.612. (1)(a) Multiple-unit housing that qualifies for exemption under ORS 307.600 to 307.637  
35 may be exempt from ad valorem taxation for no more than 10 successive years.

36 (b) The first year of exemption is the assessment year beginning January 1 immediately follow-  
37 ing the calendar year in which construction, addition or conversion is completed, determined by that  
38 stage in the construction process when[,]:

39 (A) Pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence  
40 of the exemption provided for in ORS 307.600 to 307.637; or[,]

41 (B) In the case of multiple-unit housing that is or becomes subject to a low income housing as-  
42 sistance contract, the application is approved.

43 (2)(a) The exemption may not include the land or any improvements not a part of the multiple-  
44 unit housing.

45 (b) The exemption may include:

1 (A) Parking constructed as part of the multiple-unit housing construction, addition or conver-  
2 sion; and

3 (B) Commercial property to the extent that the commercial property is a required design or  
4 public benefit element of a multiple-unit housing construction, addition or conversion approved by  
5 an authorizing city or county.

6 (c) In the case of a structure to which stories or other improvements are added or a structure  
7 that is converted in whole or in part from other use to dwelling units, [*only the increase in value*  
8 *attributable to the addition or conversion*] **the entire multiple-unit housing, including the addi-**  
9 **tions to the structure and converted structures,** may be exempt from taxation.

10 (3) Notwithstanding subsection (1) of this section, if the multiple-unit housing is or becomes  
11 subject to a low income housing assistance contract with an agency or subdivision of this state or  
12 the United States, the city or county may extend the exemption provided by ORS 307.600 to 307.637  
13 through June 30 of the tax year during which the termination date of the contract falls.

14 (4)(a) The exemption provided by ORS 307.600 to 307.637 is in addition to any other exemption  
15 provided by law. However, nothing in ORS 307.600 to 307.637 may be construed to exempt any  
16 property beyond 100 percent of its real market value.

17 (b) If property is located within a core area and within a light rail station area or a transit  
18 oriented area, or both, and application for exemption under more than one program is made, only  
19 the exemption for which application is first made and approved may be granted.

20 (c) If property is granted exemption under ORS 307.600 to 307.637 pursuant to an ordinance or  
21 resolution adopted by a city, the property may not be granted exemption pursuant to an ordinance  
22 or resolution adopted by a county.

23 (d) If property is granted exemption under ORS 307.600 to 307.637 pursuant to an ordinance or  
24 resolution adopted by a county, the property may not be granted exemption pursuant to an ordi-  
25 nance or resolution adopted by a city.

26 (e) Property may be granted exemption under ORS 307.600 to 307.637 only once.

27 **SECTION 18. The amendments to ORS 307.612 by section 17 of this 2023 Act apply to ex-**  
28 **emptions under ORS 307.600 to 307.637 first granted on or after the effective date of this 2023**  
29 **Act.**

30 **SECTION 19.** ORS 307.515 is amended to read:

31 307.515. As used in ORS 307.515 to 307.523:

32 (1) "Governing body" means the city or county legislative body having jurisdiction over the  
33 property for which an exemption may be applied for under ORS 307.515 to 307.523.

34 (2) "Lender" means the provider of a loan secured by the recorded deed of trust or recorded  
35 mortgage made to finance the purchase, construction or rehabilitation of a property used for low  
36 income housing under the criteria listed in or adopted under ORS 307.517 or 307.518 **or section 21**  
37 **of this 2023 Act.**

38 (3) "Limited equity cooperative" means a cooperative corporation formed under ORS  
39 chapter 62 whose articles of incorporation, in addition to the other requirements of ORS  
40 chapter 62, prohibit members from selling their ownership interests:

41 (a) To any person other than a low income person; or

42 (b) For a sales price that exceeds the sum of:

43 (A) The price the member paid for the ownership interest;

44 (B) The cost of any permanent improvements the member made to the housing unit  
45 during the member's ownership;

1 (C) Any special assessments the member paid to the limited equity cooperative during  
2 the member's ownership that were expended to make permanent improvements to the  
3 building in which the member's housing unit is located; and

4 (D) A return on the amounts described in subparagraphs (A) to (C) of this paragraph,  
5 computed from the year in which the respective amount was paid, that equals the greater  
6 of the result of:

7 (i) Adjusting each amount by the percentage increase, if any, in the Consumer Price In-  
8 dex for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor  
9 Statistics of the United States Department of Labor; or

10 (ii) Increasing each amount by three percent compounded annually.

11 [(3)] (4) According to the election of a governing body pursuant to ORS 307.519 (1), "low  
12 income" means:

13 (a) Income at or below 60 percent of the area median income as determined by the Oregon  
14 Housing Stability Council based on information from the United States Department of Housing and  
15 Urban Development;

16 (b)(A) For the initial year that persons occupy property for which an application for exemption  
17 is filed under ORS 307.521, income at or below 60 percent of the area median income as determined  
18 by the Oregon Housing Stability Council based on information from the United States Department  
19 of Housing and Urban Development; and

20 (B) For every subsequent consecutive year that the persons occupy the property, income at or  
21 below 80 percent of the area median income as determined by the Oregon Housing Stability Council  
22 based on information from the United States Department of Housing and Urban Development; or

23 (c) For housing units on property that is awarded tax credits through the federal Low-Income  
24 Housing Tax Credit program and is a qualified low-income housing project meeting the requirements  
25 of 26 U.S.C. 42(g)(1)(C), income at or below 80 percent of the area median income as determined by  
26 the Oregon Housing Stability Council based on information from the United States Department of  
27 Housing and Urban Development, provided the average area median income of all housing units on  
28 the property is at or below 60 percent of the area median income as determined by the Oregon  
29 Housing Stability Council based on information from the United States Department of Housing and  
30 Urban Development.

31 (5) "Rent" includes charges paid by the holder of a proprietary lease in a limited equity  
32 cooperative for occupancy of a housing unit owned by the cooperative.

33 **SECTION 20.** Section 21 of this 2023 Act is added to and made a part of ORS 307.515 to  
34 307.523.

35 **SECTION 21.** (1) Property or a portion of property owned by a limited equity cooperative  
36 is exempt from taxation as provided under ORS 307.515 to 307.523 if:

37 (a) The property is occupied by low income persons holding a proprietary lease in the  
38 limited equity cooperative;

39 (b) The charges paid by the occupant to the limited equity cooperative for occupancy  
40 reflect the full value of the property tax exemption;

41 (c) The exemption has been approved as provided in ORS 307.523, pursuant to an appli-  
42 cation filed before July 1, 2030;

43 (d) The housing units on the property were constructed, or converted to limited equity  
44 cooperative ownership, after the local governing body adopted the provisions of ORS 307.515  
45 to 307.523; and



1       **(e) The information disclosed on the application filed pursuant to ORS 307.521 meets any**  
2 **other criteria adopted by the governing body.**

3       **(2) A governing body that adopts the provisions of ORS 307.515 to 307.523 may adopt ad-**  
4 **ditional criteria for exemption that do not conflict with the criteria described in subsection**  
5 **(1)(a) to (d) of this section.**

6       **SECTION 22.** ORS 307.521 is amended to read:

7       307.521. (1) A person seeking the exemption granted under ORS 307.515 to 307.523 must file an  
8 application for exemption with the governing body. The exemption, if granted, shall be for a period  
9 of 20 years.

10       (2) The application must be filed as set forth in ORS 307.523 and must include the following in-  
11 formation, as applicable:

12       (a) A description of the property or a portion of the property for which the exemption is re-  
13 quested;

14       (b) A description of the purpose of the project and whether all or a portion of the property is  
15 being used for that purpose;

16       (c) A certification of income levels of low income occupants;

17       (d) A description of how the tax exemption will benefit project residents;

18       (e) If the exemption is an exemption described in ORS 307.518, evidence satisfactory to the  
19 governing body that the corporation is a nonprofit corporation and meets the criteria for a public  
20 benefit corporation or a religious corporation;

21       **(f) If the exemption is an exemption described in section 21 of this 2023 Act, evidence**  
22 **satisfactory to the governing body that the housing units are owned by a limited equity co-**  
23 **operative that meets the criteria for a cooperative corporation under ORS chapter 62;**

24       [(f)] (g) A description of the plans for development of the property if the property is being held  
25 for future low income rental housing development; and

26       [(g)] (h) A description of how the applicant and the property, respectively, meet any additional  
27 criteria adopted by the governing body pursuant to ORS 307.517 (2) or 307.518 (2) **or section 21 (2)**  
28 **of this 2023 Act.**

29       (3) The applicant shall verify the information in the application by oath or affirmation.

30       (4)(a) Prior to accepting an application under ORS 307.515 to 307.523, a local jurisdiction shall  
31 adopt standards and guidelines to establish the policies governing the consideration of applications  
32 under ORS 307.515 to 307.523.

33       (b) Policies considered may include, but are not limited to:

34       (A) Rent regulatory agreements or other enforcement mechanisms to demonstrate that the re-  
35 quired rent payment reflects the full value of the property tax exemption.

36       (B) Enforcement mechanisms to ensure that housing that is exempt under ORS 307.515 to 307.523  
37 is maintained in decent, safe and sanitary conditions for the occupants.

38       (C) Methodology and timing for submitting evidence of use of rentals received from low income  
39 persons.

40       **SECTION 23.** ORS 307.523 is amended to read:

41       307.523. (1) Application shall be made on or before December 1 of the calendar year immediately  
42 preceding the first assessment year for which exemption is requested, and shall be accompanied by  
43 the application fee required under ORS 307.527. However, if the property is acquired after November  
44 1, the application shall be made within 30 days after the date of acquisition.

45       (2) Within 60 days of the filing of an application under ORS 307.521, the governing body shall

1 take final action upon the application as provided under ORS 307.527, and certify the results of the  
2 action to the county assessor, as set forth in ORS 307.512.

3 (3) Upon receipt of certification under subsection (2) of this section, the county assessor shall  
4 exempt the property from taxation to the extent certified by the governing body.

5 (4) Notwithstanding the dates specified in ORS 307.517 and 307.518 **and section 21 of this 2023**  
6 **Act**, property granted exemption pursuant to an application filed under ORS 307.517 or 307.518 **or**  
7 **section 21 of this 2023 Act** before July 1, 2030, shall continue to receive the exemption on the same  
8 terms, including duration, on which the exemption was granted.

9 **SECTION 24. Section 21 of this 2023 Act and the amendments to ORS 307.515, 307.521 and**  
10 **307.523 by sections 19, 22 and 23 of this 2023 Act apply to property tax years beginning on or**  
11 **after July 1, 2024.**

12 **SECTION 25.** Section 1, chapter 624, Oregon Laws 2017, is amended to read:

13 **Sec. 1.** (1) As used in sections 1 to 3, **chapter 624, Oregon Laws 2017** [*of this 2017 Act*], “eli-  
14 gible rental property” means newly rehabilitated or constructed multiunit rental housing.

15 (2)(a) The governing body of a city or county may adopt an ordinance or resolution granting a  
16 property tax exemption for eligible rental property located within the boundaries of the city or  
17 county, respectively.

18 (b) The terms of the exemption must conform to the provisions of sections 1 to 3, **chapter 624,**  
19 **Oregon Laws 2017** [*of this 2017 Act*].

20 (3)(a) The exemption may be granted to eligible rental property only if:

21 (A) The rehabilitation or construction is completed after the ordinance or resolution has been  
22 adopted; and

23 (B) The first assessment year to which the application filed under section 2, **chapter 624,**  
24 **Oregon Laws 2017,** [*of this 2017 Act*] relates is the first assessment year that begins after the eli-  
25 gible rental property is first offered for rent for residential occupancy upon completion of the re-  
26 habilitation or construction.

27 (b) Otherwise eligible rental property may not receive an exemption on the basis of rehabili-  
28 tation more than once.

29 (4) An ordinance or resolution adopted pursuant to this section must:

30 (a) Establish **one of the two following schedules:**

31 (A) A schedule in which the number of consecutive property tax years for which the exemption  
32 is granted, up to a maximum of 10 years, increases directly with the percentage of units constituting  
33 the eligible rental property that are rented to households with an annual income at or below 120  
34 percent of the area median income at monthly rates that are affordable to such households.

35 (B) **A schedule in which, for a period of 10 years, the percentage of the exemption**  
36 **granted increases directly with the percentage of units constituting the eligible rental prop-**  
37 **erty that are rented to households with an annual income at or below 120 percent of the area**  
38 **median income at monthly rates that are affordable to such households. The percentage of**  
39 **exemption granted to any eligible rental property shall remain in effect for the entire 10-year**  
40 **period.**

41 (b) Include definitions of “area median income,” adjusted for the size of a household, and “af-  
42 fordable,” for purposes of sections 1 to 3, **chapter 624, Oregon Laws 2017** [*of this 2017 Act*]. The  
43 governing body of the city or county that adopted the ordinance or resolution shall notify the county  
44 assessor of the definitions.

45 (5)(a) An ordinance or resolution adopted pursuant to this section may not take effect unless,

1 upon request of the city or county that adopted the ordinance or resolution, the rates of taxation  
2 of the taxing districts whose governing bodies agree to grant the exemption, when combined with  
3 the rate of taxation of the city or county, equal 51 percent or more of the total combined rate of  
4 taxation on the eligible rental property.

5 (b) If the ordinance or resolution takes effect, the exemption shall apply to all property tax  
6 levies of all taxing districts in which eligible rental property is located.

7 (c) The decisions of the taxing districts under paragraph (a) of this subsection may not be  
8 changed but are not binding with respect to an ordinance or resolution adopted pursuant to sub-  
9 section (6) of this section or a new ordinance or resolution adopted pursuant to subsection (2) of this  
10 section.

11 *[(d) All eligible rental property shall be granted exemption under this section on the same terms  
12 provided in the ordinance or resolution adopted or amended by the city or county and in effect on the  
13 date the application is submitted under section 2 of this 2017 Act.]*

14 (6)(a) A city or county may adopt at any time an ordinance or resolution amending the terms  
15 of an exemption granted pursuant to this section, subject to approval of the taxing districts under  
16 subsection (5)(a) of this section, or terminating the exemption.

17 (b) Notwithstanding an ordinance or resolution adopted under paragraph (a) of this subsection,  
18 eligible rental property that has been granted an exemption pursuant to this section shall continue  
19 to receive the exemption under the terms in effect at the time the exemption was first granted.

20 (7) As soon as practicable after January 1 of each year, the governing body of a city or county  
21 that has adopted an ordinance or resolution under this section shall:

22 (a) Determine the area median income as defined by the city or county;

23 (b) Notify each owner or lessee of eligible rental property granted exemption pursuant to the  
24 ordinance or resolution for the immediately preceding property tax year of the determination; and

25 (c) Publish the determination on the website of the city or county, respectively.

26 **SECTION 26.** Section 2, chapter 624, Oregon Laws 2017, is amended to read:

27 **Sec. 2.** (1)(a) The governing body of a city or county that adopts an ordinance or resolution  
28 pursuant to section 1, **chapter 624, Oregon Laws 2017**, *[of this 2017 Act]* shall prescribe exemption  
29 application forms and the information required to be included in an application.

30 (b) If eligible rental property is located in a city and county each of which has adopted an or-  
31 dinance or resolution under section 1, **chapter 624, Oregon Laws 2017** *[of this 2017 Act]*, the ap-  
32 plicant shall elect the exemption the applicant wishes to receive for the eligible rental property by  
33 submitting the application to the city or the county, as applicable.

34 (c) The applicant must be the owner or lessee of the eligible rental property to which the ap-  
35 plication relates.

36 (d) An application must be accompanied by an application fee fixed by the city or county, as  
37 applicable, in an amount determined to compensate the city or county for the actual costs of pro-  
38 cessing the application.

39 (2)(a) An application must be submitted for review to the city or county, as applicable, on or  
40 before March 1 preceding the property tax year to which the application relates.

41 (b) Notwithstanding paragraph (a) of this subsection, an application may be filed under this  
42 section for the current property tax year:

43 (A) On or before December 31 of the property tax year, if the application is accompanied by a  
44 late filing fee of the greater of \$200 or one-tenth of one percent of the real market value as of the  
45 most recent assessment date of the eligible rental property to which the application relates.

1 (B) On or before April 1 of the property tax year, if the application is accompanied by a late  
2 filing fee of \$200 and the applicant demonstrates good and sufficient cause, as defined in ORS  
3 307.162, for failing to file a timely application or is a first-time filer, as defined in ORS 307.162, of  
4 an application under this subsection.

5 (c)(A) An application may be filed as provided in paragraph (b) of this subsection  
6 notwithstanding that there are no grounds for hardship as required for late filing under ORS 307.475.

7 (B) A late filing fee collected under paragraph (b) of this subsection must be deposited in the  
8 general fund of the city or county, as applicable.

9 (3)(a) Upon receipt of an initial application submitted pursuant to subsection (2) of this section,  
10 the city or county, as applicable, shall determine as soon as practicable:

11 (A) Whether the property to which the application relates is eligible rental property located  
12 within the boundaries of the city or county;

13 (B) The date on which the rehabilitation or construction of the eligible rental property was or  
14 will be completed;

15 (C) The date on which the eligible rental property was first offered for rent for residential oc-  
16 cupancy; and

17 (D) The rent charged for each unit to which the application relates and whether the rent meets  
18 the requirements of the schedule established under section 1 (4), **chapter 624, Oregon Laws 2017**  
19 *[of this 2017 Act]*.

20 (b) If any eligibility determination made under this subsection renders the property ineligible for  
21 the exemption, the application shall be rejected and the rejection may not be appealed.

22 (4)(a) The owner or lessee of eligible rental property granted exemption for the current property  
23 tax year must submit an application under subsection (2) of this section for each subsequent prop-  
24 erty tax year for which the eligible rental property remains eligible under section 1 (4), **chapter**  
25 **624, Oregon Laws 2017** *[of this 2017 Act]*.

26 (b) If any eligibility determination made under this subsection renders the eligible rental prop-  
27 erty ineligible for the exemption, the application shall be rejected.

28 (5) If the property qualifies for the exemption under subsection (3) or (4) of this section and the  
29 application meets the requirements of the ordinance or resolution of the city or county, the gov-  
30 erning body shall, on or before April 1[:]:

31 (a) Adopt a resolution[:]

32 [(a)] approving the application; and

33 (b) *[Notifying]* **Notify** the assessor of the county in which the eligible rental property is located  
34 of the approval and *[including]* **include** with the notification all information necessary for the  
35 assessor to perform the assessor's duties with respect to the eligible rental property.

36 **SECTION 27.** Section 3, chapter 624, Oregon Laws 2017, is amended to read:

37 **Sec. 3.** (1) If, after an exemption is granted pursuant to an ordinance or resolution adopted by  
38 **the governing body of a city or county** under section 1, **chapter 624, Oregon Laws 2017**, *[of this*  
39 *2017 Act, the county assessor determines]* **the governing body discovers or is notified by the**  
40 **owner** that the eligible rental property does not meet the requirements of the ordinance or resol-  
41 ution or section 1, **chapter 624, Oregon Laws 2017**, *[of this 2017 Act:]* **the governing body shall**  
42 **so notify the county assessor as soon as practicable.**

43 **(2) Upon receipt by the assessor of notice under subsection (1) of this section:**

44 (a) The exemption shall be terminated immediately, without right of notice or appeal;

45 (b) The eligible rental property shall be assessed and taxed as other property similarly situated

1 is assessed and taxed; and

2 (c) Notwithstanding ORS 311.235, there shall be added to the general property tax roll for the  
3 tax year next following the determination, to be collected and distributed in the same manner as  
4 other real property tax, an amount equal to the **difference between the amount of tax due on the**  
5 **eligible rental property and the amount of the tax** that would have been due on the property  
6 had it not been exempt, for each of the years during which the property was exempt[, *not to exceed*  
7 *10 tax years*].

8 [(2)] (3) The assessment and tax rolls shall show “potential additional tax liability” for each el-  
9 igible rental property granted exemption pursuant to section 1, **chapter 624, Oregon Laws 2017**  
10 *[of this 2017 Act]*.

11 [(3)] (4) Additional taxes collected under this section shall be deemed to have been imposed in  
12 the year to which the additional taxes relate.

13 **SECTION 28.** ORS 307.260 is amended to read:

14 307.260. (1)(a) Each veteran or surviving spouse qualifying for the exemption under ORS 307.250  
15 shall file with the county assessor, on forms supplied by the assessor, a claim therefor in writing  
16 on or before April 1 of the assessment year for which the exemption is claimed, except that when  
17 the property designated is acquired after March 1 but prior to July 1 the claim shall be filed within  
18 30 days after the date of acquisition.

19 (b) A claim need not be filed under this section in order to be allowed the exemption described  
20 in ORS 307.250 if:

21 (A) The homestead or personal property of the veteran or surviving spouse was allowed the  
22 exemption under ORS 307.250 for the preceding tax year;

23 (B) The individual claiming the exemption is a veteran described in ORS 307.250 (2)(a) or (3)(a)  
24 or a surviving spouse who meets the requirements of ORS 307.250 (2)(c) or (3)(b); and

25 (C) As of the filing date for the current tax year, the ownership and use of the homestead or  
26 personal property and all other qualifying conditions for the homestead or personal property to be  
27 allowed the exemption remain unchanged.

28 (c)(A) If the individual claiming the exemption is a veteran described in ORS 307.250 (2)(b), the  
29 claimant shall file a claim annually that satisfies the requirements of subsection (2) of this section  
30 on or before the date required in paragraph (a) of this subsection.

31 (B) If the county assessor has not received a claim filed under this paragraph on or before April  
32 1 of the current year, not later than April 10 of each year, the county assessor shall notify the  
33 veteran in the county who secured an exemption under ORS 307.250 (2)(b) in the preceding year but  
34 who did not make application therefor on or before April 1 of the current year. The county assessor  
35 may provide the notification on an unsealed postal card. A veteran so notified may secure the ex-  
36 emption, if still qualified, by making application therefor to the county assessor not later than May  
37 1 of the current year, accompanied by a late-filing fee of \$10, which shall be deposited in the general  
38 fund of the county for general governmental expenses. If the claim for any tax year is not filed  
39 within the time specified, the exemption may not be allowed on the assessment roll for that year.

40 (2)(a) The claim shall set out the basis of the claim and designate the property to which the  
41 exemption may apply. Except as provided in subsection (3) of this section, claims for exemptions  
42 under ORS 307.250 (2)(a) and (3)(a) shall have affixed thereto the certificate last issued by United  
43 States Department of Veterans Affairs or the branch of the Armed Forces of the United States, as  
44 the case may be, but dated within three years prior to the date of the claim for exemption, certifying  
45 the rate of disability of the claimant.

1 (b) Claims for exemption under ORS 307.250 (2)(b) shall, except as provided in subsection (3) of  
2 this section, have affixed thereto, in addition to the certificate last issued by a licensed physician  
3 or naturopathic physician and dated within one year prior to the date of the claim for exemption,  
4 certifying the rate of disability of the claimant, a statement by the claimant under oath or affirma-  
5 tion setting forth the total gross income received by the claimant from all sources during the last  
6 calendar year.

7 (c) There also shall be affixed to each claim the affidavit or affirmation of the claimant that the  
8 statements contained therein are true.

9 (3) The provisions of subsection (2) of this section that require a veteran to affix to the claim  
10 certificates of the United States Department of Veterans Affairs, a branch of the Armed Forces of  
11 the United States or a licensed physician or naturopathic physician do not apply to a veteran who  
12 has filed the required certificate after attaining the age of 65 years or to a veteran who has filed,  
13 on or after September 27, 1987, a certificate certifying a disability rating that, under federal law, is  
14 permanent and cannot be changed.

15 (4)(a) Notwithstanding subsection (1) of this section, a surviving spouse may *[file a claim for]*  
16 **elect, at any time during the tax year, to continue** the exemption under ORS 307.250 *[at any time*  
17 *during the tax year]* **without filing a new claim** if:

18 (A) The veteran died during the previous tax year; or

19 (B) The property designated as the homestead was acquired after March 1 but prior to July 1  
20 of the assessment year and the veteran died within 30 days of the date the property was acquired.

21 **(b) The surviving spouse of a veteran must notify the county assessor of the election.**

22 *[(b)] (c) [The claim shall be allowed by]* **Upon receipt of the notice**, the county assessor **shall**  
23 **continue the exemption** if the surviving spouse meets all of the *[qualifications]* **eligibility re-**  
24 **quirements** for an exemption under ORS 307.250 other than the timely filing of a claim under sub-  
25 section (1) of this section.

26 *[(c)] (d)* If taxes on the exempt value have been paid, the taxes shall be refunded in the manner  
27 prescribed in paragraph (d) of this subsection. If taxes on the exempt value have not been paid, the  
28 taxes and any interest *[thereon shall be]* **on the taxes are** abated.

29 *[(d)] (e)* The tax collector shall notify the governing body of the county of any refund required  
30 under this section and the governing body shall cause a refund of the taxes and any interest paid  
31 to be made from the unsegregated tax collections account described in ORS 311.385. The refund  
32 under this subsection shall be made without interest. The county assessor and tax collector shall  
33 make the necessary corrections in the records of their offices.

34 **SECTION 29. The amendments to ORS 307.260 by section 28 of this 2023 Act apply to**  
35 **property tax years beginning on or after July 1, 2023.**

36  
37 **CAPTIONS**

38  
39 **SECTION 30. The unit and section captions used in this 2023 Act are provided only for**  
40 **the convenience of the reader and do not become part of the statutory law of this state or**  
41 **express any legislative intent in the enactment of this 2023 Act.**

42  
43 **EFFECTIVE DATE**

44  
45 **SECTION 31. This 2023 Act takes effect on the 91st day after the date on which the 2023**

1 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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