

Enrolled House Bill 2086

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)

CHAPTER

AN ACT

Relating to property tax assessment; creating new provisions; amending ORS 311.140, 311.150, 311.205, 311.234 and 311.250; and prescribing an effective date.

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

SECTION 1. ORS 311.234 is amended to read:

311.234. (1)(a) The current owner of property or other person obligated to pay taxes imposed on property may petition the county assessor for a correction of the maximum assessed value of the property [*for the current tax year*] for the circumstances described in subsection (2) of this section.

(b) The petitioner may seek the correction for the current tax year and for up to five tax years immediately prior to the current tax year.

(2) The assessor shall correct the maximum assessed value of the property for [*the current tax year*] **each of the tax years to which the petition relates** if, in the petition filed under this section, the petitioner demonstrates:

(a) A difference between the actual square footage of the property as of the assessment date for the [*current*] tax year and the square footage of the property as shown in the records of the assessor for the tax year.

(b) That new property, or new improvements to property, added to the tax roll in a prior tax year did not exist as of the assessment date for that prior tax year or any subsequent tax year.

(3)(a) A correction made under subsection (2)(a) of this section must be proportional to the change in the real market value for the [*current*] tax year that is due to the correction of the square footage of the property.

(b) A correction made under subsection (2)(b) of this section:

(A) Must reflect, in a manner determined by the assessor, the removal of the new property or new improvements to property from the assessment and tax rolls as accepted by the assessor.

(B) May not be made to the extent that the assessor finds that the new property or new improvements to property existed on the assessment date of a prior tax year and the petition is best construed as demonstrating a difference in the nature, extent or value of the new property or new improvements to property.

(4) Notwithstanding subsection (3) of this section, a correction made under this section may not cause the maximum assessed value of the property to increase by more than three percent from the maximum assessed value of the property for the preceding tax year.

(5) A petition filed under this section must be on the form and contain the information prescribed by the Department of Revenue and must be filed with the county assessor on or before December 31 of the current tax year.

(6) A decision by the assessor pursuant to a petition filed under this section may be appealed under ORS 305.275.

SECTION 2. ORS 311.250 is amended to read:

311.250. (1) Except as to real property assessed to “unknown owners” pursuant to ORS 308.240 (2), on or before October 25 in each year, the tax collector shall deliver or mail to each person (as defined in ORS 311.605) shown on the tax roll as an owner of real or personal property, or to an agent or representative authorized in writing pursuant to ORS 308.215 by such person, a written statement of property taxes payable on the following November 15.

(2) The failure of a taxpayer to receive the statement described in this section shall not invalidate any assessment, levy, tax, or proceeding to collect tax.

(3) The tax collector shall not be liable for failure to deliver or mail the tax statements by October 25 as provided in subsection (1) of this section if such failure was caused by not receiving the tax roll from the assessor by the time provided by law or by reason of any other circumstance beyond the control of the tax collector. In such case the tax collector shall deliver or mail the statements as soon as possible.

(4) Where, for any reason the taxes due on any property on the assessment roll in any year cannot be ascertained from the tax roll by November 5 of that year, within 15 days thereafter the owner or other person liable for or desiring to pay the taxes on such property may tender to the tax collector, and the tax collector may collect, a payment of all or part of the taxes estimated by the tax collector to be due on such property. Immediately after the taxes are actually extended on the tax roll, the tax collector shall credit the amount paid as provided by law, allowing the discount under ORS 311.505 and not charging interest for the amount of taxes satisfied by such payment. Where there has been an underpayment, additional taxes shall be collected, and where there has been an overpayment, refund shall be made as otherwise provided by law.

(5) The tax statement described in this section shall be designed by the Department of Revenue and shall contain such information as the department shall prescribe by rule including:

(a) The real market value of the property for which the tax statement is being prepared (or the property’s specially assessed value if the property is subject to special assessment) for the current and prior tax year;

(b) The property’s assessed value for the current and prior tax year; *[and]*

(c) Information about how to contact the county assessor’s office with questions if the property’s assessed value for the current tax year increased by more than three percent over the prior tax year; and

[(c)] **(d)** The total amount of taxes due on the property.

SECTION 3. ORS 311.205 is amended to read:

311.205. (1) After the assessor certifies the assessment and tax roll to the tax collector, the officer in charge of the roll *[may]* **shall** correct errors or omissions in the roll to conform to the facts, as follows:

(a) The officer *[may]* **shall** correct a clerical error. For purposes of this paragraph:

(A) A clerical error is an error on the roll:

(i)(I) That arises from an error in the ad valorem tax records of the assessor, or the records of the Department of Revenue for property assessed under ORS 306.126; or

(II) That is a failure to correctly reflect the ad valorem tax records of the assessor, or the records of the department for property assessed under ORS 306.126;

(ii) That, had it been discovered by the assessor or the department prior to the certification of the assessment and tax roll of the year of assessment, would have been corrected as a matter of course; and

(iii) For which the information necessary to make the correction is contained in the records.

(B) Clerical errors include, but are not limited to, arithmetic and copying errors and the omission or misstatement of a land, improvement or other property value on the roll.

(b)(A) The officer may correct an error in valuation judgment at any time in any account when an appeal has been filed in the tax court alleging that the value on the roll is incorrect, if the correction results in a reduction of the tax owed on the account.

(B) The officer may not make corrections under this paragraph to accounts appraised by the department pursuant to ORS 306.126 and 308.505 to 308.674 without the [approval] **agreement** of the department **that the error is one described in subparagraph (A) of this paragraph.**

(C) The officer [may] **shall** correct any other error or omission of any kind. Corrections that are not corrections of errors in valuation judgment include, but are not limited to:

(i) The elimination of an assessment to one taxpayer of property belonging to another on the assessment date;

(ii) The correction of a tax limit calculation;

(iii) The correction of a value changed on appeal; and

(iv) The correction of an error in the assessed value of property resulting from an error in the identification of a unit of property, but not from an error in a notice filed under ORS 310.060.

(D) For purposes of this paragraph, an error in valuation judgment is one in which the assessor or the department would arrive at a different opinion of value.

(c) The officer shall make any change requested by the department that relates to an assessment of property made by the department under ORS 308.505 to 308.674.

(d) The officer shall make any change ordered by the tax court or the department under ORS 305.288 or 306.115.

(e) The officer shall make any change required under ORS 308A.089.

(2)(a) The officer in charge of the roll shall make corrections with the assent and concurrence of the assessor or the department. The direction for the correction must be made in writing and state the type of error and the statutory authority for the correction. The officer may correct the roll for any year or years not exceeding five years prior to the last certified roll.

(b) Any additional taxes resulting from corrections for years prior to the current year are deemed assessed and imposed in the particular year or years to which the corrections apply. Addition of tax to a prior year's tax roll due to corrections under this section may not be considered in calculating the effect of the tax limitation under Article XI, section 11b, of the Oregon Constitution, for the current year.

(3) The officer in charge of the roll shall make a correction pursuant to this section in whatever manner is necessary to make the assessment, tax or other proceeding regular and valid. The correction must be distinguishable upon the roll, must include the date of the correction and must identify the officer making the correction.

(4) Whenever a correction that will increase the assessment to which it relates is to be made after the assessor has delivered the roll to the tax collector, unless the correction is made by order of the department, the officer in charge of the tax roll shall follow the procedure prescribed in ORS 311.216 to 311.232. The provisions of ORS 311.216 to 311.232 with respect to appeals apply under this subsection.

(5) Corrections that would result in a change in assessed value or real market value of less than \$1,000 do not change the value for purposes of computing the taxes levied against the property, but shall be made only for purposes of correcting the office records.

(6) The remedies under this section are in addition to other remedies provided by law.

SECTION 4. ORS 311.140 is amended to read:

311.140. (1) If the tax rolls of any county are destroyed or damaged, the tax collector of the county shall prepare transcripts of those parts of the rolls in which it appears, from evidence in the possession of the tax collector or otherwise obtainable, that taxes are unpaid on real or personal properties. The Department of Revenue and the assessor of the county shall assist the tax collector in the preparation of the transcripts.

(2) The tax collector shall then certify that, to the best belief and knowledge of the tax collector, the transcripts are a true and correct record of the taxes remaining unpaid. When certified by

the tax collector, the transcripts shall be the tax rolls of the county for all taxes so determined to be unpaid.

(3) Thereafter, the tax collector *[may]* **shall** make corrections of such tax rolls, pursuant to ORS 311.205, to conform such rolls to the destroyed rolls. Such corrections shall be considered to be clerical errors, except that where a taxpayer is aggrieved by such correction, the taxpayer may within 60 days thereof petition the county court for relief. The petition shall set forth in detail the facts upon which the petitioner relies and the relief requested. The county court may hear such petitions in a summary manner and shall issue its order denying the relief requested or granting such relief as it determines proper. Any taxpayer aggrieved by such order may petition to the Oregon Tax Court in the manner provided in ORS 305.404 to 305.560.

(4) The unpaid taxes exhibited in tax rolls prepared and certified in accordance with this section are liens upon the real and personal properties therein described, and shall have the same force and effect as the liens of taxes charged in the original tax rolls of the county. Such taxes shall be subject to the provisions of law for the collection of taxes on real or personal property.

SECTION 5. ORS 311.150 is amended to read:

311.150. (1) In lieu of the procedures for additions, changes or corrections to the assessment and tax rolls authorized *[by]* **or required under** ORS 309.120, 311.205, 311.370 (5), 311.645, 312.140 (2) and 358.495, the officer in possession of the roll *[may]* **shall** prepare a voucher for each correcting entry. The voucher shall state what change is to be made, identify the tax account or accounts affected, provide sufficient evidence to indicate the propriety of the transaction and the date the voucher is approved by the officer in charge of the roll or an authorized deputy. The date the voucher is completed and approved is the date the change shall become effective and the voucher shall become a public record. The vouchers shall be numbered and the voucher number shall appear on the assessment or tax roll adjacent to the entry changing the roll.

(2) The vouchers provided for in this section shall be preserved until the real property tax rolls of the year affected by the voucher have been foreclosed and the foreclosed property has been deeded to the county; or, in the case of personal property, until one year after the tax account affected by the voucher has been collected or canceled under the provisions of ORS 311.790.

SECTION 6. The amendments to ORS 311.140, 311.150, 311.205, 311.234 and 311.250 by sections 1 to 5 of this 2023 Act apply to property tax years beginning on or after July 1, 2024.

SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by House March 28, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 21, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State