

A-Engrossed
Senate Bill 1012

Ordered by the Senate April 5
Including Senate Amendments dated April 5

Sponsored by Senator GIROD; Senator SMITH DB

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.

[Provides for] **Authorizes county to allow** homestead rebuilt by same owner on same lot to replace homestead destroyed by September 2020 wildfires to *[temporarily]* have *[frozen]* **specialty assessed value equal to destroyed homestead's *[assessed]* real market value for 2020-2021 property tax year, to extent of square footage of destroyed homestead. Provides that specialty assessed value continues until earliest of date on which rebuilt homestead is no longer principal dwelling of owner, is rented to another person for any duration or is transferred to new ownership.**

Takes effect on 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 205.246;
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 between**
7 **September 1, 2020, and September 30, 2020, in a county included in the geographical area**
8 **covered by a state of emergency declared in response to 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 (8)(b) of this section.**

22 (3)(a) **Eligible property may be granted a specialty 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 July 1, 2020.**

25 (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 of the eligible property for the applicable property tax year to the real market
4 value of the eligible property for the applicable property tax year.

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

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

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

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

17 (a) The eligible property's maximum assessed value as determined under ORS 308.146;

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

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

21 (5) A specially assessed value may be claimed for property tax years beginning on or after
22 July 1, 2021.

23 (6) A claim for a specially assessed value for property under this section must:

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

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

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

28 (d) Have attached:

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

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

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

36 (B) Notwithstanding subparagraph (A) of this paragraph, a claim for an initial year of
37 specially assessed value for the property tax years beginning on July 1, 2021, July 1, 2022, or
38 July 1, 2023, must be filed no later than December 31, 2025.

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

43 (8)(a) If all or any part of the rebuilt homestead is determined to be eligible property, a
44 timely claim for the specially assessed value has the effect of requiring the county assessor
45 to determine the total amount of taxes due on the eligible property in accordance with this

1 section until the property tax year determined under subsection (9) of this section.

2 (b) When eligible property has been granted a specially assessed value under this section,
3 the county assessor shall present a notice of the specially assessed value to the county clerk
4 for recordation in the deed records of the county.

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

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

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

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

14 (10) If the grant of a specially assessed value under this section results in an overpay-
15 ment of taxes paid, the amount of the overpayment shall be refunded in the manner pre-
16 scribed in ORS 311.806.

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

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

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

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

33 (15) ORS 315.037 does not apply to this section.

34 **SECTION 2.** ORS 205.246 is amended to read:

35 205.246. (1) The county clerk shall record the following instruments required or permitted by law
36 to be recorded and entered in the office of the county clerk:

37 (a) Financing statements recorded in the office of the county clerk under ORS 79.0501 (1)(a);

38 (b) Hospital and physician liens recorded under ORS 87.565;

39 (c) Federal tax liens and certificates and notices affecting federal tax liens recorded under ORS
40 87.806;

41 (d) Cooperative contracts recorded under ORS 62.360;

42 (e) Special district assessments attaching to real property;

43 (f) Lien foreclosure statements recorded under ORS 87.202;

44 (g) A certified copy of the judgment or a lien record abstract or other liens affecting the title
45 to real property;

- 1 (h) Building code exemptions required under ORS 455.320 and 455.345;
- 2 (i) Construction liens recorded under ORS 87.050;
- 3 (j) Liens upon chattels recorded under ORS 87.246;
- 4 (k) Liens on real property recorded under ORS 87.372;
- 5 (L) Employee benefit plan liens recorded under ORS 87.860;
- 6 (m) Attorney liens recorded under ORS 87.455 and 87.460;
- 7 (n) Long term care liens recorded under ORS 87.517;
- 8 (o) Ambulance services liens recorded under ORS 87.623;
- 9 (p) Community property records recorded under ORS 108.530;
- 10 (q) Sheriff transfer of records recorded under ORS 206.100;
- 11 (r) Corrected instruments required under ORS 205.244;
- 12 (s) Mineral and mining records required under ORS 517.030, 517.052, 517.160, 517.180, 517.210,
- 13 517.220, 517.280, 517.310 and 517.320;
- 14 (t) Copies of records certified by a county clerk or court clerk;
- 15 (u) Subdivision and partition plats recorded under ORS 92.140;
- 16 (v) Condominiums recorded under ORS chapter 100;
- 17 (w) Requests for notice of transfer or encumbrance or terminations of requests for notice of
- 18 transfer or encumbrance presented for recordation under ORS 411.694;
- 19 (x) Bankruptcy documents presented for recordation under ORS 93.770;
- 20 (y) A written warranty agreement under ORS 701.605;
- 21 (z) An instrument, as described in ORS 86.722, to correct errors in a recorded trust deed;
- 22 (aa) An order or decision under section 8 (7), chapter 424, Oregon Laws 2007, or section 6,
- 23 chapter 855, Oregon Laws 2009, that is final by operation of law or on appeal;
- 24 (bb) A notice of designation of substantial damage described in ORS 105.780;
- 25 (cc) A notice of remedy of substantial damage described in ORS 105.780; *[and]*
- 26 (dd) An affidavit of an owner of a facility, as defined in ORS 90.100, certifying the owner's
- 27 compliance with ORS 90.800 to 90.850[.]; **and**
- 28 **(ee) A notice of a specially assessed value under section 1 of this 2023 Act to be recorded**
- 29 **in the deed records of the county in which the property is located.**

30 (2) The county clerk shall charge and collect fees specified in ORS 205.320, 205.327 and 205.350
31 for recording an instrument required to be recorded under subsection (1) of this section.

32 (3) Indexes may be maintained for instruments recorded under subsection (1) of this section in
33 the same manner as provided in ORS 205.160.

34 **SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023**
35 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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