

Senate Bill 1545

Sponsored by Senator GIROD (Pre-session filed.)

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would grant a property tax break to destroyed homes that were rebuilt after the 2020 wildfires. (Flesch Readability Score: 61.6).

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

Takes effect on the 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 310.165; and prescribing an effective date.

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

SECTION 1. (1) As used in this section:

5
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 specially 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**
26 **section, the eligible property's maximum specially assessed value shall equal the product of**
27 **the specially assessed value multiplied by the ratio, not greater than 1.00, of the maximum**

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 assessed value the eligible property would have had for the applicable property tax year if it
2 were not specially assessed to the real market value of the eligible property for the applicable
3 property tax year.

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

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

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

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

16 (a) The eligible property's maximum specially assessed value as determined under sub-
17 section (3) of this section;

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,
38 July 1, 2023, or July 1, 2024, 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 310.165 is amended to read:

35 310.165. (1) For any unit of property partially exempt from tax under ORS 307.250, 307.370 or
36 308.459 or any other law, the assessor shall determine the maximum amount of taxes on property
37 to be imposed on such unit of property under ORS 310.150, by using the lesser of the real market
38 value or the taxable value of the unit of property after the exemption has been applied.

39 (2) For any unit of property that is specially assessed for ad valorem tax purposes under ORS
40 308A.050 to 308A.128, 308A.250 to 308A.259, 308A.315, 321.257 to 321.390, 321.700 to 321.754, 321.805
41 to 321.855 or 358.480 to 358.545 **or section 1 of this 2024 Act**, the assessor shall determine the
42 maximum amount of taxes on property to be imposed on such property under ORS 310.150 by using
43 the lesser of the real market value or the specially assessed value of the property.

44 (3) In the case of any unit of property of which a part of the unit is exempt from taxation, and
45 that part may be identified both as to value and physical description, the real market value of the

1 unit shall not include the value of the exempt part of the unit.

2 (4) This subsection applies to any unit of property described in subsection (1) or (2) of this sec-
3 tion for which the maximum amount of taxes imposed has been determined under this section. If the
4 unit of property is subject to imposition of additional taxes due to disqualification from special as-
5 sessment or partial exemption, the determination of the maximum amount of additional taxes that
6 may be imposed due to disqualification shall be made on the basis of the real market value of the
7 property for the year to which the additional taxes relate.

8 **SECTION 3.** ORS 205.246 is amended to read:

9 205.246. (1) The county clerk shall record the following instruments required or permitted by law
10 to be recorded and entered in the office of the county clerk:

- 11 (a) Financing statements recorded in the office of the county clerk under ORS 79.0501 (1)(a);
- 12 (b) Hospital and physician liens recorded under ORS 87.565;
- 13 (c) Federal tax liens and certificates and notices affecting federal tax liens recorded under ORS
14 87.806;
- 15 (d) Cooperative contracts recorded under ORS 62.360;
- 16 (e) Special district assessments attaching to real property;
- 17 (f) Lien foreclosure statements recorded under ORS 87.202;
- 18 (g) A certified copy of the judgment or a lien record abstract or other liens affecting the title
19 to real property;
- 20 (h) Building code exemptions required under ORS 455.320 and 455.345;
- 21 (i) Construction liens recorded under ORS 87.050;
- 22 (j) Liens upon chattels recorded under ORS 87.246;
- 23 (k) Liens on real property recorded under ORS 87.372;
- 24 (L) Employee benefit plan liens recorded under ORS 87.860;
- 25 (m) Attorney liens recorded under ORS 87.455 and 87.460;
- 26 (n) Long term care liens recorded under ORS 87.517;
- 27 (o) Ambulance services liens recorded under ORS 87.623;
- 28 (p) Community property records recorded under ORS 108.530;
- 29 (q) Sheriff transfer of records recorded under ORS 206.100;
- 30 (r) Corrected instruments required under ORS 205.244;
- 31 (s) Mineral and mining records required under ORS 517.030, 517.052, 517.160, 517.180, 517.210,
32 517.220, 517.280, 517.310 and 517.320;
- 33 (t) Copies of records certified by a county clerk or court clerk;
- 34 (u) Subdivision and partition plats recorded under ORS 92.140;
- 35 (v) Condominiums recorded under ORS chapter 100;
- 36 (w) Requests for notice of transfer or encumbrance or terminations of requests for notice of
37 transfer or encumbrance presented for recordation under ORS 411.694;
- 38 (x) Bankruptcy documents presented for recordation under ORS 93.770;
- 39 (y) A written warranty agreement under ORS 701.605;
- 40 (z) An instrument, as described in ORS 86.722, to correct errors in a recorded trust deed;
- 41 (aa) An order or decision under section 8 (7), chapter 424, Oregon Laws 2007, or section 6,
42 chapter 855, Oregon Laws 2009, that is final by operation of law or on appeal;
- 43 (bb) A notice of designation of substantial damage described in ORS 105.780;
- 44 (cc) A notice of remedy of substantial damage described in ORS 105.780; [and]
- 45 (dd) An affidavit of an owner of a facility, as defined in ORS 90.100, certifying the owner's

1 compliance with ORS 90.800 to 90.850[.]; and

2 (ee) **A notice of a specially assessed value under section 1 of this 2024 Act to be recorded**
3 **in the deed records of the county in which the property is located.**

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

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

8 **SECTION 4. This 2024 Act takes effect on the 91st day after the date on which the 2024**
9 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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