

A-Engrossed
Senate Bill 464

Ordered by the Senate June 11
Including Senate Amendments dated June 11

Sponsored by Senator GIROD, Representative DRAZAN; Senator FINDLEY, Representatives MOORE-GREEN, SMITH DB (at the request of former Senator Denyc Boles) (Presession 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.

[Requires tax collector to prorate and cancel property taxes imposed on taxable property destroyed or damaged by wildfire during September 2020 in county covered by state of emergency declared in response to wildfire as if property were destroyed property under current law. Coordinates timing of proration of taxes for property destroyed and damaged by fire or act of God. Applies to property tax year beginning on July 1, 2020.]

Authorizes governing body of county covered by state of emergency declared in response to September 2020 wildfires to adopt law directing tax collector to prorate and cancel property taxes imposed on taxable property that suffered loss in real market value as result of wildfires, without application from property owner. Authorizes such governing bodies to adopt law to direct tax collector to prorate and cancel property taxes on taxable property that suffered damage, or disruption of use, due to wildfires, upon application by property owner. Requires such laws to include wildfire map, produced through public process, identifying boundaries within which wildfire tax relief may be granted. Provides for refunds of overpayment of property taxes. Applies to property tax year beginning on July 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the taxation of damaged property; and prescribing an effective date.

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

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

5 (a) **“Disruption of use” means the lack of any of the following for at least 30 continuous**
6 **days, beginning on any day between September 1, 2020, and September 30, 2020:**

7 (A) **Access, due to road closures;**

8 (B) **Water service;**

9 (C) **Sanitation services;**

10 (D) **Electricity; or**

11 (E) **Telecommunication services.**

12 (b) **“Eligible county” means a county any part of which was included in the geographical**
13 **area covered by the state of emergency declared by the Governor in response to the wildfires**
14 **that occurred in this state between September 1, 2020, and September 30, 2020.**

15 (c)(A) **“Eligible property” means taxable real and personal property, including land, that**
16 **is located within the boundaries of a wildfire map adopted in accordance with subsection (4)**
17 **of this section.**

18 (B) **“Eligible property” does not mean property subject to assessment by the Department**
19 **of Revenue under ORS 308.505 to 308.674.**

20 (d) **“Owner” means:**

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 (A) In the case of real property, including land, the owner or purchaser under a recorded
2 instrument of sale; or

3 (B) In the case of personal property, the person assessed, person in possession or owner.

4 (e) "Wildfire tax relief" means collection by the tax collector of one-sixth of the ad
5 valorem property taxes imposed on eligible property for the property tax year beginning on
6 July 1, 2020, and cancellation of the remainder of the taxes.

7 (2) The governing body of an eligible county, after consultation with the county assessor
8 and county tax collector, may adopt an ordinance or resolution that directs the tax collector
9 to grant wildfire tax relief to all eligible property that the tax collector knows has suffered
10 a loss in real market value as a result of the wildfires. Wildfire tax relief under this sub-
11 section does not require an application from the owner.

12 (3)(a) An ordinance or resolution adopted pursuant to subsection (2) of this section may
13 also direct the tax collector to grant wildfire tax relief to eligible property not described in
14 subsection (2) of this section that suffered damage, or disruption of use, as a result of the
15 wildfires.

16 (b) Wildfire tax relief under this subsection requires the owner of eligible property to file
17 an application that demonstrates to the satisfaction of the tax collector the property's el-
18 igibility for wildfire tax relief. An application must be filed before July 1, 2022, or an earlier
19 date if the ordinance or resolution so provides.

20 (c) The ordinance or resolution shall set forth:

21 (A) The application forms and process; and

22 (B) Clear and objective standards for determining eligibility for wildfire tax relief under
23 this subsection.

24 (d)(A) Eligible property that is the subject of an application approved by the tax collector
25 in accordance with this subsection shall be granted wildfire tax relief.

26 (B) An owner whose application is rejected in accordance with this subsection may appeal
27 the rejection to the governing body of the county. The governing body's decision on appeal
28 is final.

29 (4) An ordinance or resolution adopted pursuant to this section must include, as the
30 product of a public process that includes an opportunity for public comment, a wildfire map,
31 in any media or format, that:

32 (a) Establishes the boundaries within which wildfire tax relief may be granted under an
33 ordinance or resolution adopted pursuant to this section; and

34 (b) Identifies the eligible property within the boundaries that is granted wildfire tax relief
35 under subsection (2) of this section.

36 (5) An ordinance or resolution adopted pursuant to this section may apply retroactively
37 but is not valid unless it becomes effective within 45 days following the effective date of this
38 2021 Act.

39 (6) If wildfire tax relief granted under this section results in an overpayment of taxes
40 paid on eligible property, the amount of the overpayment determined under this section shall
41 be refunded to the owner of the eligible property as if the owner were an applicant entitled
42 to a refund under ORS 311.806 (1)(i) for the proration of taxes under ORS 308.425.

43 (7) It is the intent of the Legislative Assembly that this section and ORS 308.425 shall
44 operate concurrently for the property tax year beginning on July 1, 2020. Accordingly, in
45 applying this section, the provisions of this section shall supersede the provisions of ORS

1 **308.425. The provisions of ORS 308.425 may be applied without reference to this section.**

2 **SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2023.**

3 **SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021**
4 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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