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H.B. 496
135th General Assembly

Bill Analysis

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Version: As Reported by House Ways and Means

Primary Sponsor: Rep. Hoops

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SUMMARY

- Modifies information a county auditor must certify in the process of submitting a property tax levy to voters, including information appearing on election notices and ballot language, as follows:
 - Requires rounding estimated revenue to the nearest \$1 rather than the nearest \$1,000.
 - Requires this estimate and rate estimates for bond and fixed-sum levies to be based on valuations on the last available tax list rather than a possible estimate.
 - Requires certifying the residential/agricultural effective rate of renewed or extended levies based on the last known rate, as opposed to an estimated effective rate that assumes the levy is approved.
- Repeals a recently enacted law that requires a county board of revision (BOR) to dismiss a property tax complaint filed by a political subdivision if the BOR does not render a decision on the complaint within one year.
- Modifies property tax complaint and counter-complaint filing deadlines.
- Modifies a requirement the owner of tax-exempt property inform the county auditor of changes in the property's exemption status, by instead requiring notification of changes in the property's use.
- Allows a county auditor to provide a waiver or refund of manufactured home taxes due to damage or destruction of a manufactured home on the auditor's own initiative, rather than only upon notice from a property owner or third party.
- Modifies how real property and manufactured home tax overpayments are apportioned to each taxing district, moving to a preceding-year basis rather than the on the basis of taxing ratios in the year of overpayment.

- Clarifies that county treasurers and auditors may deduct their compensation for collecting property taxes from state homestead exemption and rollback reimbursements.
- Allows the county auditor to designate a location within the county where the sale of tax-foreclosed forfeited lands will occur.
- Eliminates a requirement for the county auditor and county treasurer to keep records of all appointments and removals of deputy auditors.

DETAILED ANALYSIS

Overview

Continuing law authorizes local governments to levy property taxes, and requires the Department of Taxation and several local officials to administer and enforce those taxes. Among the local officials charged with doing so are county auditors, though county auditors perform several other functions as well. The bill makes several changes to the law governing property taxation, particularly those laws administered by or affecting county auditors. The bill also makes a few administrative changes to the manner in which a county auditor's office operates. Several of the changes modify or clarify changes in legislation adopted in the 134th General Assembly.

Property tax administration

Resolutions and ballot text

The bill makes several changes to the information that must be calculated for and presented on election notices and ballot language for property tax levies. In general, to submit a property tax levy to voters, a taxing authority certifies a resolution to the county board of elections, which prepares an election notice and ballot language describing the levy.¹ Under continuing law, before taking that step, the subdivision must ask the county auditor for either (1) an estimate of the revenue the tax would generate from a specified millage rate or (2) the millage rate necessary to generate a specified amount of revenue. Upon receiving such information, the subdivision may submit the levy to voters by certifying a resolution to the appropriate county board of elections. The bill's modifications change or clarify earlier modifications made to that language by H.B. 140 of the 134th General Assembly.

First, the bill requires a county auditor, when certifying to a taxing authority the estimated annual collections of a proposed levy – a required element of election notices and ballot language – to round that estimated revenue to the nearest \$1 rather than the nearest \$1,000. Second, the bill requires this estimate and an estimate of tax rates for bond and fixed-sum levies to be calculated based on property valuations appearing on the most recently

¹ See, e.g., R.C. 5705.25.

finalized tax list, rather than on the tax list for the current year or an estimated amount for that year calculated by the county auditor.²

Third, the bill requires the auditor to certify, in the case of a renewal levy or a question to extend an existing levy to new territory, that levy's effective rate, as opposed to an estimated effective rate. In general, effective rates are not the actual voted rate of a tax levy, but reflect the reductions in a levy's collections through operation of the H.B. 920 tax reduction factor, which, is designed to prevent most types of levies from generating additional collections as property values increase due to inflation. Effective rates tend to give a more accurate measure of what a property owner is actually paying on a voted levy. There are two separate effective rates for each levy – one that applies to residential and agricultural property (Class 1) and one that applies to other real property (Class 2).

Continuing law, enacted by H.B. 140, requires election notices and ballot language for a renewal or extension levy to display the effective rate that applies to Class 1 property in dollars for each \$100,000 of a property's appraised value. But current law requires a county auditor to calculate this rate by using an estimate of the total taxable value and tax collections in the first year the renewed or extended levy would apply. The bill instead requires the auditor to make this determination by using the last available Class 1 effective rate or the levy, based on last available property values. In other words, the displayed rate per \$100,000 of value will be based on existing data rather than an estimate that assumes the levy's passage.³

Finally, the bill corrects typographical errors in sections amended by H.B. 140.⁴ All of these changes apply to elections held on or after 100 days after the bill's 90-day effective date.⁵

Property tax challenges

The bill makes several changes to the process for filing property tax complaints with the county board of revision (BOR). Some of these provisions relate to recent changes made to the law in H.B. 126 of the 134th General Assembly. All of these changes apply to any complaint filed for a tax year ending on or after the bill's 90-day effective date.⁶

Dismissal of BOR cases

Current law, enacted in H.B. 126, requires a BOR to render a decision on a property tax complaint within one year if the complaint is filed by any person other than the property owner, such as a political subdivision. If the BOR does not decide the case within that one-year

² R.C. 133.18, 5705.03(B)(2)(e), 5705.195, 5705.212, 5705.213, 5705.215, and 5748.04.

³ R.C. 5705.01, 5705.03(B)(2)(c) and (3), with conforming changes in 306.32, 306.322, 505.37, 505.48, 505.481, 511.28, 513.18, 755.181, 1545.21, 3311.50, 3318.01, 3318.061, 3381.03, 4582.024, 4582.26, 5705.215, 5705.25, 5705.251, 5705.261, 5748.01, 5748.02, 5748.03, and 5748.04.

⁴ R.C. 3318.45 and 5705.21.

⁵ Section 3(A).

⁶ Section 3(B).

period, it must dismiss the case. Before H.B. 126, the BOR was supposed to render its decision within 180 days, but could continue the case indefinitely beyond that deadline. That law still applies to complaints filed by the property's owner.

The bill removes this one-year dismissal requirement. The bill allows BORs to dismiss a complaint after one year, but such dismissal would be at the discretion of the BOR, and a BOR could continue a complaint beyond the one-year point if it chooses.⁷

Original complaint filing deadline

Under continuing law, the deadline for filing an original property tax complaint is March 31 of the year following the tax year being challenged. Currently, if a person sends a complaint by regular or certified mail, the filing date will be the postmark date placed on the envelope or sender's receipt.

The bill modifies the filing date for mailed complaints to be the date the auditor receives the complaint. However, the auditor must consider a complaint to be timely filed if it is either received by the auditor or postmarked before March 31.⁸

Counter-complaint filing deadline

Continuing law allows school districts to file counter-complaints to an original property tax complaint that alleges a change in value of at least \$50,000 in fair market value. Before H.B. 126, county auditors were required to notify school districts of such complaints by April 30, and the school district could file a counter-complaint within 30 days of receiving that notice. H.B. 126 removed the notice requirement, and instead required districts to file counter-complaints within 30 days after the original complaint is filed.

The bill modifies this deadline to authorize school districts to file a counter-complaint against any original complaint by April 30, regardless of when that original complaint was filed. (This is 30 days after the March 31 filing deadline.)⁹

Notification of change in exemption status

The bill modifies a law requiring owners of tax-exempt property to inform the county auditor of changes in the property's exemption status. Ohio law authorizes various property tax exemptions. To receive an exemption, property owners must generally apply to the Department of Taxation, who approves the exemption and notifies the county auditor to remove the property from the tax list.

Current law requires property owners to notify the auditor when a property "ceases to qualify" for exemption, so the auditor can return the property to the tax list. The owner must

⁷ R.C. 5715.19(C).

⁸ R.C. 5715.19(A).

⁹ R.C. 5715.19(B).

report this information before the end of the tax year and, if the owner fails to so, the auditor may impose a penalty.

The bill requires, instead, that owners of exempt property notify the auditor when the “use of the property changes.” This language, in comparison to current law, does not require owners to make a determination regarding the eligibility of the property for exemption.¹⁰

Waiver of taxes on destroyed or damaged manufactured home

Under continuing law, the county auditor is required to refund or waive payment of manufactured home taxes if a manufactured home is damaged or destroyed and the auditor receives notice of the casualty. Current law allows the notice to come from the oath of the manufactured home’s owner or owners, or the affidavit of two disinterested people who reside in the same township or municipal corporation in which the manufactured home is located. The bill removes the oath and affidavit requirement and replaces them with notice on a form prescribed by the Department of Taxation. It also allows the auditor to fill out the form on behalf of an owner if no form is submitted but the auditor inspects and investigates a manufactured home and it appears to have been damaged or destroyed.¹¹

The bill does not change the amount of taxes that may be waived or refunded. Under continuing law, the auditor must determine the reduction in the manufactured home’s market value due to the damage or destruction. The ratio determined by comparing the reduced value to the initial value is the same ratio by which the taxes are reduced if the damage or destruction occurred in the first half of a year. If in the second half of the year, one-half of the ratio is applied to determine the reduction.

The bill’s changes make this process similar to a process under continuing law for reporting damage to real property. That law was recently modified by H.B. 51 of the 134th General Assembly in a manner similar to this bill, except it only changed the real property casualty reporting process and not the process applicable to manufactured homes.¹²

Distribution of property tax overpayments and collections

The bill modifies how property and manufactured home tax overpayments that are refunded to taxpayers are to be apportioned to each taxing district, i.e., deducted from future tax distributions. Under current law, such refunds are apportioned on the basis of which subdivisions received the taxes that were refunded, i.e., in proportion to how the tax revenue was allocated at the time the overpayment was made. The bill modifies this so that those refunds are apportioned on the basis of taxes levied by each subdivision in the preceding year (or current year for manufactured home taxes) compared to the taxes levied by all subdivisions

¹⁰ R.C. 5713.083.

¹¹ R.C. 4503.0611.

¹² R.C. 319.38, not in the bill.

in that year. In other words, refunds are allocated on the basis of how taxes were distributed in that year, rather than the year in which the overpayment was made.¹³

Auditor and treasurer compensation

The bill clarifies that county treasurers and auditors are each entitled to a percentage of funds they handle when administering reimbursements the state pays counties for tax revenue loss from the homestead exemption, 2.5% owner-occupancy credit, and the 10% nonbusiness credit. Auditors and treasurers are entitled to these fees as compensation for collecting property taxes, and they are calculated based on a percentage of the amount collected, which varies according to total tax collections in the county, which the bill does not change. The bill rather clarifies that state reimbursements count as property tax collections for the purpose of determining this compensation.¹⁴

Location for sale of forfeited lands

While current law requires the county auditor to conduct the sale of forfeited lands at the courthouse, the bill instead allows the county auditor to designate a location within the county where the sale will occur. Under ongoing law, if tax-delinquent property is offered at a tax sale twice but it does not sell, it is forfeited to the state or a political subdivision. When land is forfeited, all the right, title, claim, and interest of the former owner is transferred to the state, a political subdivision, school district, or county land reutilization corporation.¹⁵

Deputy county auditors

The bill eliminates a requirement for the county auditor and county treasurer to keep records of all appointments and removals of deputy auditors. Under continuing law, the county auditor may appoint deputies to aid in the performance of the auditor's official duties.¹⁶

HISTORY

| Action | Date |
|---------------------------|----------|
| Introduced | 04-22-24 |
| Reported, H. Ways & Means | 06-12-24 |

ANHB0496RH-135/ks

¹³ R.C. 4503.06, 4503.066, and 5715.22.

¹⁴ R.C. 319.54 and 321.26, with conforming changes in R.C. 321.24, 323.156, and 4503.068.

¹⁵ R.C. 5723.05, 5723.06, and 5723.10; R.C. 5723.01, not in the bill.

¹⁶ R.C. 319.05.