



M E M O R A N D U M

TO: Chairman Tim Schaffer
 FR: Local Government Associations
 DT: November 28th, 2017
 RE: Opposition to House Bill 371

On behalf of the local government associations listed below, we respectfully submit our joint opposition to House Bill 371. This bill would authorize a tax exemption or freeze in the value of land in the pre-residential development stage and reduces property taxes for land purchased for residential development purposes. Specifically, the exemption applies to any subdivided, unimproved parcel on which construction of residential buildings (single- or multi-family dwellings) is planned but has not started. The bill specifies that residential construction is not deemed to have begun solely on the basis of streets, sidewalks, curbs, driveways, or water, sewer, or other utility lines having been constructed or installed. Local governments from across the state are raising numerous questions and concerns and as introduced oppose this measure.

In addition to the loss of the potential incremental increase in value as property is developed, local governments have serious concerns about the impact the legislation would have on current practice and appraisal methodology. As indicated in the LSC bill analysis, “The appraisal is supposed to approximate the “true” or fair market value of the parcel, which, generally, is the unconditioned price the property would sell for in an arm's length sale, or the price for which it has in fact been sold recently in such a sale. The subdivision of land itself might cause the aggregate appraised true values of the new parcels to exceed the appraised true value of the original parcel before it was subdivided, because the subdivision itself might influence the market value of the land. Also, the appraised value of any parcel subdivided or not, may change because of market factors without the parcel itself undergoing any construction or other physical change”. This is a drastic alteration of the uniform standards of appraisal practice and could have unintended and unpredictable consequences on the value of neighboring parcels.

The bill creates new terminology, “ascribed taxable value” which equals a portion of the taxable value of the original property before it was subdivided. This is a confusing definition that has the potential to be used more broadly and in random fashion to alter the equalization of the valuation of real property.

The tax exemption or freeze in value has the potential to reduce property taxes for local governments and schools, especially in urban and suburban areas where the issuance of residential building permits is concentrated. According to the LSC Fiscal Note, the revenue loss could be substantial, and could amount to several million dollars. Schools and other local governments would bear this loss. In some cases this loss could require other taxpayers to pay more than their fair share. In particular for schools, levy millage rates are set based on the total valuation of the school district. If some properties are undervalued at the time a levy is passed, the millage rate set for the levy must be higher than necessary in order to raise the funds requested by the district. This means property owners whose real property is set at a fair value, will pay more than necessary.

The local government associations sincerely appreciate the opportunity to express our concerns. We believe HB 371 should not be enacted.