As Passed by the House

132nd General Assembly

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Sub. H. B. No. 343

Representative Merrin

Cosponsors: Representatives Schaffer, Hambley, Becker, Brinkman, Riedel, Dean, Goodman, Henne, Householder, Retherford, Butler, DeVitis, Keller, Lang, Roegner, Romanchuk, Thompson, Wiggam

A BILL

То	amend section 5715.19 of the Revised Code to	1
	require local governments that contest property	2
	values to formally pass an authorizing	3
	resolution for each contest and to notify	4
	property owners.	_

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5715.19 of the Revised Code be	6
amended to read as follows:	7
Sec. 5715.19. (A) As used in this section, "member" has	8
the same meaning as in section 1705.01 of the Revised Code.	9
(1) Subject to division (A)(2) of this section, a	10
complaint against any of the following determinations for the	11
current tax year shall be filed with the county auditor on or	12
before the thirty-first day of March of the ensuing tax year or	13
the date of closing of the collection for the first half of real	14
and public utility property taxes for the current tax year,	15
whichever is later:	16

(a) Any classification made under section 5713.041 of the	17
Revised Code;	18
(b) Any determination made under section 5713.32 or	19
5713.35 of the Revised Code;	20
(c) Any recoupment charge levied under section 5713.35 of	21
the Revised Code;	22
(d) The determination of the total valuation or assessment	23
of any parcel that appears on the tax list, except parcels	24
assessed by the tax commissioner pursuant to section 5727.06 of	25
the Revised Code;	26
(e) The determination of the total valuation of any parcel	27
that appears on the agricultural land tax list, except parcels	28
assessed by the tax commissioner pursuant to section 5727.06 of	29
the Revised Code;	30
(f) Any determination made under division (A) of section	31
319.302 of the Revised Code.	32
If such a complaint is filed by mail or certified mail,	33
the date of the United States postmark placed on the envelope or	34
sender's receipt by the postal service shall be treated as the	35
date of filing. A private meter postmark on an envelope is not a	36
valid postmark for purposes of establishing the filing date.	37
Any person owning taxable real property in the county or	38
in a taxing district with territory in the county; such a	39
person's spouse; an individual who is retained by such a person	40
and who holds a designation from a professional assessment	41
organization, such as the institute for professionals in	42
taxation, the national council of property taxation, or the	43
international association of assessing officers; a public	44
accountant who holds a permit under section 4701.10 of the	45

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Revised Code, a general or residential real estate appraiser	46
licensed or certified under Chapter 4763. of the Revised Code,	47
or a real estate broker licensed under Chapter 4735. of the	48
Revised Code, who is retained by such a person; if the person is	49
a firm, company, association, partnership, limited liability	50
company, or corporation, an officer, a salaried employee, a	51
partner, or a member of that person; if the person is a trust, a	52
trustee of the trust; the board of county commissioners; the	53
prosecuting attorney or treasurer of the county; the board of	54
township trustees of any township with territory within the	55
county; the board of education of any school district with any	56
territory in the county; or the mayor or legislative authority	57
of any municipal corporation with any territory in the county	58
may file such a complaint regarding any such determination	59
affecting any real property in the county, except that a person	60
owning taxable real property in another county may file such a	61
complaint only with regard to any such determination affecting	62
real property in the county that is located in the same taxing	63
district as that person's real property is located. The county	64
auditor shall present to the county board of revision all	65
complaints filed with the auditor.	66

(2) As used in division (A)(2) of this section, "interim period" means, for each county, the tax year to which section 5715.24 of the Revised Code applies and each subsequent tax year until the tax year in which that section applies again.

No person, board, or officer shall file a complaint against the valuation or assessment of any parcel that appears on the tax list if it filed a complaint against the valuation or assessment of that parcel for any prior tax year in the same interim period, unless the person, board, or officer alleges that the valuation or assessment should be changed due to one or

more of the following circumstances that occurred after the tax	77
lien date for the tax year for which the prior complaint was	78
filed and that the circumstances were not taken into	79
consideration with respect to the prior complaint:	80
(a) The property was sold in an arm's length transaction,	81
as described in section 5713.03 of the Revised Code;	82
(b) The property lost value due to some casualty;	83
(c) Substantial improvement was added to the property;	84
(d) An increase or decrease of at least fifteen per cent	85
in the property's occupancy has had a substantial economic	86
impact on the property.	87
(3) If a county board of revision, the board of tax	88
appeals, or any court dismisses a complaint filed under this	89
section or section 5715.13 of the Revised Code for the reason	90
that the act of filing the complaint was the unauthorized	91
practice of law or the person filing the complaint was engaged	92
in the unauthorized practice of law, the party affected by a	93
decrease in valuation or the party's agent, or the person owning	94
taxable real property in the county or in a taxing district with	95
territory in the county, may refile the complaint,	96
notwithstanding division (A)(2) of this section.	97
(4)(a) No complaint filed under this section or section	98
5715.13 of the Revised Code shall be dismissed for the reason	99
that the complaint fails to accurately identify the owner of the	100
property that is the subject of the complaint.	101
(b) If a complaint fails to accurately identify the owner	102
of the property that is the subject of the complaint, the board	103
of revision shall exercise due diligence to ensure the correct	104
property owner is notified as required by divisions (B) and (C)	105

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of this section.	106
(5) Notwithstanding division (A)(2) of this section, a	107
person, board, or officer may file a complaint against the	108
valuation or assessment of any parcel that appears on the tax	109
list if it filed a complaint against the valuation or assessment	110
of that parcel for any prior tax year in the same interim period	111
if the person, board, or officer withdrew the complaint before	112
the complaint was heard by the board.	113
(6) A board of county commissioners, a board of township	114
trustees, the board of education of a school district, or the	115
mayor or legislative authority of a municipal corporation may	116
not file a complaint or a counterclaim to a complaint under this	117
section with respect to property the political subdivision does	118
not own unless the board or legislative authority or, in the	119
case of a mayor, the legislative authority of the municipal	120
corporation first adopts a resolution authorizing the filing of	121
the complaint or counterclaim at a public meeting of the board	122
or legislative authority. The resolution shall include all of	123
the following information:	124
(a) Identification of the parcel or parcels that are the	125
subject of the complaint or counterclaim by street address and	126
<pre>permanent parcel number;</pre>	127
(b) The name of the record owner or owners of the parcel	128
or parcels;	129
(c) If the resolution authorizes the filing of a	130
complaint, the basis for the complaint under divisions (A)(1)(a)	131
to (f) of this section relative to each parcel identified in the	132
resolution.	133

A board or legislative authority shall not adopt a

resolution required under division (A)(6) of this section that	135
identifies more than one parcel under division (A)(6)(a) of this	136
section, except that a single resolution may identify more than	137
one parcel under that division if each parcel has the same	138
record owner or the same record owners, as applicable. Such a	139
resolution shall not include any other matter and shall be	140
adopted by a separate vote from the question of whether to adopt	141
any other resolution except another resolution under division	142
(A) (6) of this section.	143
Before adopting a resolution required by division (A)(6)	144
of this section, the board or legislative authority shall mail a	145
written notice, by ordinary or certified mail, to the last known	146
tax-mailing address of the record owner or owners of the parcel	147
or parcels identified in the resolution and, if different from	148
that tax-mailing address, to the street address of that parcel	149
or those parcels stating the intent of the board or legislative	150
authority in adopting the resolution, the proposed date of	151
adoption, and, if the resolution is to authorize the filing of a	152
complaint, the basis for the complaint under divisions (A)(1)(a)	153
to (f) of this section relative to each parcel identified in the	154
resolution. The notice shall be postmarked at least seven	155
business days before the board or legislative authority adopts	156
the resolution. As used in this paragraph, "business days" means	157
a day of the week excluding Saturday, Sunday, and a legal	158
holiday as defined under section 1.14 of the Revised Code.	159
A copy of the written notice and resolution required by	160
division (A)(6) of this section shall be filed with each	161
complaint or counterclaim filed by a board, mayor, or	162
legislative authority. A board of revision does not have	163
jurisdiction to hear any complaint or counterclaim filed by a	164
board, mayor, or legislative authority if the requirements of	165

division (A)(6) of this section have not been satisfied.	166
However, a board of revision retains jurisdiction if the only	167
requirement not satisfied is that the written notice or	168
resolution fails to accurately identify the record owner or	169
owners of the parcel or parcels as required in division (A)(6)	170
(b) of this section.	171

(B) Within thirty days after the last date such complaints 172 may be filed, the auditor shall give notice of each complaint in 173 which the stated amount of overvaluation, undervaluation, 174 discriminatory valuation, illegal valuation, or incorrect 175 determination is at least seventeen thousand five hundred 176 dollars to each property owner whose property is the subject of 177 the complaint, if the complaint was not filed by the owner or 178 the owner's spouse, and to each board of education whose school 179 district may be affected by the complaint. Within thirty days 180 after receiving such notice, a board of education; a property 181 owner; the owner's spouse; an individual who is retained by such 182 an owner and who holds a designation from a professional 183 assessment organization, such as the institute for professionals 184 in taxation, the national council of property taxation, or the 185 international association of assessing officers; a public 186 accountant who holds a permit under section 4701.10 of the 187 Revised Code, a general or residential real estate appraiser 188 licensed or certified under Chapter 4763. of the Revised Code, 189 or a real estate broker licensed under Chapter 4735. of the 190 Revised Code, who is retained by such a person; or, if the 191 property owner is a firm, company, association, partnership, 192 limited liability company, corporation, or trust, an officer, a 193 salaried employee, a partner, a member, or trustee of that 194 property owner, may file a complaint in support of or objecting 195 to the amount of alleged overvaluation, undervaluation, 196

discriminatory valuation, illegal valuation, or incorrect	197
determination stated in a previously filed complaint or	198
objecting to the current valuation. Upon the filing of a	199
complaint under this division, the board of education or the	200
property owner shall be made a party to the action.	201

- (C) Each board of revision shall notify any complainant 202 and also the property owner, if the property owner's address is 203 known, when a complaint is filed by one other than the property 204 owner, by certified mail, not less than ten days prior to the 205 hearing, of the time and place the same will be heard. The board 206 of revision shall hear and render its decision on a complaint 207 within ninety days after the filing thereof with the board, 208 except that if a complaint is filed within thirty days after 209 receiving notice from the auditor as provided in division (B) of 210 this section, the board shall hear and render its decision 211 within ninety days after such filing. 212
- (D) The determination of any such complaint shall relate 213 back to the date when the lien for taxes or recoupment charges 214 for the current year attached or the date as of which liability 215 for such year was determined. Liability for taxes and recoupment 216 charges for such year and each succeeding year until the 217 complaint is finally determined and for any penalty and interest 218 for nonpayment thereof within the time required by law shall be 219 based upon the determination, valuation, or assessment as 220 finally determined. Each complaint shall state the amount of 221 overvaluation, undervaluation, discriminatory valuation, illegal 222 valuation, or incorrect classification or determination upon 223 which the complaint is based. The treasurer shall accept any 224 amount tendered as taxes or recoupment charge upon property 225 concerning which a complaint is then pending, computed upon the 226 claimed valuation as set forth in the complaint. If a complaint 227

filed under this section for the current year is not determined	228
by the board within the time prescribed for such determination,	229
the complaint and any proceedings in relation thereto shall be	230
continued by the board as a valid complaint for any ensuing year	231
until such complaint is finally determined by the board or upon	232
any appeal from a decision of the board. In such case, the	233
original complaint shall continue in effect without further	234
filing by the original taxpayer, the original taxpayer's	235
assignee, or any other person or entity authorized to file a	236
complaint under this section.	237

- (E) If a taxpayer files a complaint as to the 238 classification, valuation, assessment, or any determination 239 affecting the taxpayer's own property and tenders less than the 240 full amount of taxes or recoupment charges as finally 241 determined, an interest charge shall accrue as follows: 242
- (1) If the amount finally determined is less than the 243 amount billed but more than the amount tendered, the taxpayer 244 shall pay interest at the rate per annum prescribed by section 245 5703.47 of the Revised Code, computed from the date that the 246 taxes were due on the difference between the amount finally 247 determined and the amount tendered. This interest charge shall 248 be in lieu of any penalty or interest charge under section 249 323.121 of the Revised Code unless the taxpayer failed to file a 250 complaint and tender an amount as taxes or recoupment charges 251 within the time required by this section, in which case section 252 323.121 of the Revised Code applies. 253
- (2) If the amount of taxes finally determined is equal to
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 or greater than the amount billed and more than the amount
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 tendered, the taxpayer shall pay interest at the rate prescribed
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 by section 5703.47 of the Revised Code from the date the taxes
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were due on the difference between the amount finally determined	258
and the amount tendered, such interest to be in lieu of any	259
interest charge but in addition to any penalty prescribed by	260
section 323.121 of the Revised Code.	261

- (F) Upon request of a complainant, the tax commissioner 262 shall determine the common level of assessment of real property 263 in the county for the year stated in the request that is not 264 valued under section 5713.31 of the Revised Code, which common 265 level of assessment shall be expressed as a percentage of true 266 value and the common level of assessment of lands valued under 267 such section, which common level of assessment shall also be 268 expressed as a percentage of the current agricultural use value 269 of such lands. Such determination shall be made on the basis of 270 the most recent available sales ratio studies of the 271 commissioner and such other factual data as the commissioner 272 273 deems pertinent.
- (G) A complainant shall provide to the board of revision 274 all information or evidence within the complainant's knowledge 275 or possession that affects the real property that is the subject 276 of the complaint. A complainant who fails to provide such 277 information or evidence is precluded from introducing it on 278 appeal to the board of tax appeals or the court of common pleas, 279 except that the board of tax appeals or court may admit and 280 consider the evidence if the complainant shows good cause for 281 the complainant's failure to provide the information or evidence 282 to the board of revision. 283
- (H) In case of the pendency of any proceeding in court

 based upon an alleged excessive, discriminatory, or illegal

 valuation or incorrect classification or determination, the

 taxpayer may tender to the treasurer an amount as taxes upon

 284

Sub. H. B. No. 343 As Passed by the House	Page 11	
property computed upon the claimed valuation as set forth in the	288	
complaint to the court. The treasurer may accept the tender. If	289	
the tender is not accepted, no penalty shall be assessed because	290	
of the nonpayment of the full taxes assessed.	291	
Section 2. That existing section 5715.19 of the Revised	292	
Code is hereby repealed.	293	
Section 3. The amendment by this act of section 5715.19 of	294	
the Revised Code applies to any complaint or counterclaim to a	295	
complaint filed on or after the effective date of this act.	296	