A BILL

To amend section 5715.19 of the Revised Code to modify the law regarding property tax valuation complaints.

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

Section 1. That section 5715.19 of the Revised Code be amended to read as follows:

Sec. 5715.19. (A) As used in this section, "member" has the same meaning as in section 1705.01 of the Revised Code, and "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code, and "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.

(1) Subject to division (A)(2) of this section, a complaint against any of the following determinations for the current tax year shall be filed with the county auditor on or before the thirty-first day of March of the ensuing tax year or the date of closing of the collection for the first half of real and public utility property taxes for the current tax year,
whichever is later:

(a) Any classification made under section 5713.041 of the Revised Code;

(b) Any determination made under section 5713.32 or 5713.35 of the Revised Code;

(c) Any recoupment charge levied under section 5713.35 of the Revised Code;

(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code;

(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code;

(f) Any determination made under division (A) of section 319.302 of the Revised Code.

If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the filing date.

Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; a tenant of the property owner, if the property is classified as to use for tax purposes as commercial or industrial, the lease requires the tenant to pay the entire amount of taxes charged against the property, and the lease
allows, or the property owner otherwise authorizes, the tenant to file such a complaint with respect to the property; an individual who is retained by such a person or tenant and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessors; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person or tenant; if the person or tenant is a firm, company, association, partnership, limited liability company, or corporation, an officer, a salaried employee, a partner, or a member of that person or tenant; if the person or tenant is a trust, a trustee of the trust; the board of county commissioners; the prosecuting attorney or treasurer of the county; the board of township trustees of any township with territory within the county; the board of education of any school district with any territory in the county; or the mayor or legislative authority of any municipal corporation with any territory in the county may file such a complaint regarding any such determination affecting any real property in the county, except that a person owning taxable real property in another county may file such a complaint only with regard to any such determination affecting real property in the county that is located in the same taxing district as that person's real property is located. The county auditor shall present to the county board of revision all complaints filed with the auditor.

(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 lien date for the tax year for which the prior complaint was filed and that the circumstances were not taken into consideration with respect to the prior complaint:

(a) The property was sold in an arm's length transaction, as described in section 5713.03 of the Revised Code;

(b) The property lost value due to some casualty;

(c) Substantial improvement was added to the property;

(d) An increase or decrease of at least fifteen per cent in the property's occupancy has had a substantial economic impact on the property.

(3) If a county board of revision, the board of tax appeals, or any court dismisses a complaint filed under this section or section 5715.13 of the Revised Code for the reason that the act of filing the complaint was the unauthorized practice of law or the person filing the complaint was engaged in the unauthorized practice of law, the party affected by a decrease in valuation or the party's agent, or the person owning taxable real property in the county or in a taxing district with territory in the county, may refile the complaint, notwithstanding division (A)(2) of this section.
(4)(a) No complaint filed under this section or section 5715.13 of the Revised Code shall be dismissed for the reason that the complaint fails to accurately identify the owner of the property that is the subject of the complaint.

(b) If a complaint fails to accurately identify the owner of the property that is the subject of the complaint, the board of revision shall exercise due diligence to ensure the correct property owner is notified as required by divisions (B) and (C) of this section.

(5) Notwithstanding division (A)(2) of this section, a person, board, or officer may 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 if the person, board, or officer withdrew the complaint before the complaint was heard by the board.

(B) Within thirty days after the last date such complaints may be filed, the auditor shall give notice of each complaint in which the stated amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination is at least seventeen thousand five hundred dollars to each property owner whose property is the subject of the complaint, if the complaint was not filed by the owner or the owner's spouse, and to each board of education whose school district may be affected by the complaint. Within thirty days after receiving such notice, a board of education; a property owner; the owner's spouse; a tenant of the owner, if that tenant would be eligible to file a complaint under division (A) of this section with respect to the property; an individual who is retained by such an owner or tenant and who holds a designation
from a professional assessment organization, such as the 
institute for professionals in taxation, the national council of 
property taxation, or the international association of assessing 
officers; a public accountant who holds a permit under section 
4701.10 of the Revised Code, a general or residential real 
estate appraiser licensed or certified under Chapter 4763. of 
the Revised Code, or a real estate broker licensed under Chapter 
4735. of the Revised Code, who is retained by such a person 
owner or tenant; or, if the property owner or tenant is a firm, 
company, association, partnership, limited liability company, 
corporation, or trust, an officer, a salaried employee, a 
partner, a member, or trustee of that property owner or tenant, 
may file a complaint in support of or objecting to the amount of 
alleged overvaluation, undervaluation, discriminatory valuation, 
illegal valuation, or incorrect determination stated in a 
previously filed complaint or objecting to the current 
valuation. Upon the filing of a complaint under this division, 
the board of education or the 
property owner or tenant shall 
be made a party to the action.

(C) Each board of revision shall notify any complainant 
and also the property owner, if the property owner's address is 
known, when a complaint is filed by one other than the property 
owner, not less than ten days prior to the hearing, either by 
certified mail or, if the board has record of an internet 
identifier of record associated with the owner, by ordinary mail 
and by that internet identifier of record of the time and place 
the same will be heard. The board of revision shall hear and 
render its decision on a complaint within ninety days after the 
filming thereof with the board, except that if a complaint is 
filed within thirty days after receiving notice from the auditor 
as provided in division (B) of this section, the board shall
hear and render its decision within ninety days after such filing.

(D) The determination of any such complaint shall relate back to the date when the lien for taxes or recoupment charges for the current year attached or the date as of which liability for such year was determined. Liability for taxes and recoupment charges for such year and each succeeding year until occurring in the same interim period in which the complaint is filed and beginning before the complaint is finally determined, and for any penalty and interest for nonpayment thereof within the time required by law, shall be based upon the determination, valuation, or assessment as finally determined. Each complaint shall state the amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect classification or determination upon which the complaint is based. The treasurer shall accept any amount tendered as taxes or recoupment charge upon property concerning which a complaint is then pending, computed upon the claimed valuation as set forth in the complaint. If a complaint filed under this section for the current year is not determined by the board within the time prescribed for such determination, the complaint and any proceedings in relation thereto shall be continued by the board as a valid complaint for any ensuing year until occurring in the same interim period in which the complaint is filed and beginning before such complaint is finally determined by the board or upon before any determination on an appeal from a decision of the board. In such case, the original complaint shall continue in effect without further filing by the original taxpayer, the original taxpayer's assignee, or any other person or entity authorized to file a complaint under this section.

(E) If a taxpayer files a complaint as to the
classification, valuation, assessment, or any determination affecting the taxpayer's own property and tenders less than the full amount of taxes or recoupment charges as finally determined, an interest charge shall accrue as follows:

(1) If the amount finally determined is less than the amount billed but more than the amount tendered, the taxpayer shall pay interest at the rate per annum prescribed by section 5703.47 of the Revised Code, computed from the date that the taxes were due on the difference between the amount finally determined and the amount tendered. This interest charge shall be in lieu of any penalty or interest charge under section 323.121 of the Revised Code unless the taxpayer failed to file a complaint and tender an amount as taxes or recoupment charges within the time required by this section, in which case section 323.121 of the Revised Code applies.

(2) If the amount of taxes finally determined is equal to or greater than the amount billed and more than the amount tendered, the taxpayer shall pay interest at the rate prescribed by section 5703.47 of the Revised Code from the date the taxes were due on the difference between the amount finally determined and the amount tendered, such interest to be in lieu of any interest charge but in addition to any penalty prescribed by section 323.121 of the Revised Code.

(F) Upon request of a complainant, the tax commissioner shall determine the common level of assessment of real property in the county for the year stated in the request that is not valued under section 5713.31 of the Revised Code, which common level of assessment shall be expressed as a percentage of true value and the common level of assessment of lands valued under such section, which common level of assessment shall also be
expressed as a percentage of the current agricultural use value of such lands. Such determination shall be made on the basis of the most recent available sales ratio studies of the commissioner and such other factual data as the commissioner deems pertinent.

(G) A complainant shall provide to the board of revision all information or evidence within the complainant's knowledge or possession that affects the real property that is the subject of the complaint. A complainant who fails to provide such information or evidence is precluded from introducing it on appeal to the board of tax appeals or the court of common pleas, except that the board of tax appeals or court may admit and consider the evidence if the complainant shows good cause for the complainant's failure to provide the information or evidence to the board of revision.

(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 property computed upon the claimed valuation as set forth in the complaint to the court. The treasurer may accept the tender. If the tender is not accepted, no penalty shall be assessed because of the nonpayment of the full taxes assessed.

Section 2. That existing section 5715.19 of the Revised Code is hereby repealed.

Section 3. (A) As used in this section:

(1) "Valuation complaint" means a complaint filed under section 5715.19 of the Revised Code against a determination described in division (A)(1)(d) or (e) of that section, a
complaint filed in response to such a complaint under division
(B) of that section, or a complaint filed under section 5715.13
of the Revised Code.

(2) "Eligible person" means an owner of property that is
the subject of a valuation complaint, the owner's spouse, a
person retained by the owner and described in division (A) of
section 5715.19 of the Revised Code, or, if the owner is not an
individual, an officer, salaried employee, partner, member, or
trustee of the owner.

(3) "State COVID-19 order" means any of the following,
issued on or after March 9, 2020, as the result of or in
response to the COVID-19 pandemic:

   (a) An executive order issued by the Governor;

   (b) An order issued by the Director of Health under
section 3701.13 of the Revised Code;

   (c) Any other order authorized by the Revised Code issued
by another state official or state agency.

(B) Subject to section 5715.19 of the Revised Code, an
eligible person may request in a valuation complaint for tax
year 2020 one or both of the following:

   (1) That the true value in money of the property be
determined according to the approach or approaches to valuation
described in rule 5703-25-07 of the Administrative Code most
applicable to the property, after accounting for factors
occurring after January 1, 2020, in that tax year that would
cause adjustments to the valuation under that approach or those
approaches;

   (2) That the assessment of true value in money of the
property account for any reduction in true value arising as a result of the COVID-19 pandemic, or a state COVID-19 order, that occurred after January 1, 2020, in that tax year.

(C)(1) For any valuation complaint filed by an eligible person for tax year 2020 that includes a request described in division (B)(1) of this section, the board of revision shall consider evidence of true value determined according to the applicable approach or approaches as described in that division.

(2) For any valuation complaint filed by an eligible person for tax year 2020 that includes a request described in division (B)(2) of this section, the board of revision shall consider evidence of diminished true value after January 1, 2020, resulting from the COVID-19 pandemic or any state COVID-19 orders, and, if the board determines that this evidence is satisfactory, shall adjust the property's true value in money for tax year 2020 to reflect that diminished valuation.

(D) Notwithstanding division (A)(2) of section 5715.19 of the Revised Code, an eligible person may file a valuation complaint that includes a request described in division (B)(1) or (2) of this section even if the person filed a complaint under section 5715.19 of the Revised Code in the same interim period, as that term is defined in division (A) of that section.

Section 4. The amendment by this act of section 5715.19 of the Revised Code applies to complaints or counterclaims to complaints filed for tax year 2020 or any tax year thereafter.