

As Reported by the Senate Ways and Means Committee

132nd General Assembly

Regular Session

2017-2018

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

Senator Beagle

A BILL

To amend sections 5709.17 and 5715.19 of the 1
Revised Code to limit the authority of local 2
governments to initiate property tax valuation 3
complaints against residential property, to 4
require local governments to formally pass a 5
resolution before initiating a complaint against 6
any type of property, to limit the authority of 7
a school district to file counter-complaints, 8
and to expand the existing property tax 9
exemption for fraternal organizations to include 10
the property of such organizations with 11
longstanding national governing bodies. 12

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

Section 1. That sections 5709.17 and 5715.19 of the 13
Revised Code be amended to read as follows: 14

Sec. 5709.17. The following property shall be exempted 15
from taxation: 16

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations or monumental building associations and that, in the opinion of the trustees, directors, or managers thereof, is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a qualifying veterans' organization and used primarily for meetings and administration of the qualifying veterans' organization or for providing, on a not-for-profit basis, programs and supportive services to past or present members of the armed forces of the United States and their families, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year, before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration.

As used in this division, "qualifying veterans' organization" means an organization that is incorporated under the laws of this state or the United States and that meets either of the following requirements:

(1) The organization qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the Internal Revenue Code.

(2) The organization meets the criteria for exemption under section 501(c)(19) of the Internal Revenue Code and regulations adopted pursuant thereto, but is exempt from taxation under section 501(c)(4) of the Internal Revenue Code.

(C) Tangible personal property held by a corporation 47
chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in 48
section 501(c)(3) of the Internal Revenue Code, and exempt from 49
taxation under section 501(a) of the Internal Revenue Code shall 50
be exempt from taxation if it is property obtained as described 51
in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 52

(D) Real estate held or occupied by a fraternal 53
organization and used primarily for meetings of and the 54
administration of the fraternal organization or for providing, 55
on a not-for-profit basis, educational or health services, 56
except real estate held by such an organization for the 57
production of rental income in excess of thirty-six thousand 58
dollars in a tax year before accounting for any cost or expense 59
incurred in the production of such income. As used in this 60
division, "rental income" has the same meaning as in division 61
(B) of this section, and "fraternal organization" means a 62
domestic fraternal society, order, or association operating 63
under the lodge, council, or grange system that qualifies for 64
exemption from taxation under section 501(c)(5), 501(c)(8), or 65
501(c)(10) of the "Internal Revenue Code of 1986," 100 Stat. 66
2085, 26 U.S.C. 1, as amended; that provides financial support 67
for charitable purposes, as defined in division (B)(12) of 68
section 5739.02 of the Revised Code; and that operates under 69
either a state or national governing body that has been 70
operating in this state for at least eighty-five years. 71

Sec. 5715.19. (A) As used in this section, "member" has 72
the same meaning as in section 1705.01 of the Revised Code, and 73
"internet identifier of record" has the same meaning as in 74
section 9.312 of the Revised Code. 75

(1) Subject to division (A)(2) of this section, a 76

complaint against any of the following determinations for the 77
current tax year shall be filed with the county auditor on or 78
before the thirty-first day of March of the ensuing tax year or 79
the date of closing of the collection for the first half of real 80
and public utility property taxes for the current tax year, 81
whichever is later: 82

(a) Any classification made under section 5713.041 of the 83
Revised Code; 84

(b) Any determination made under section 5713.32 or 85
5713.35 of the Revised Code; 86

(c) Any recoupment charge levied under section 5713.35 of 87
the Revised Code; 88

(d) The determination of the total valuation or assessment 89
of any parcel that appears on the tax list, except parcels 90
assessed by the tax commissioner pursuant to section 5727.06 of 91
the Revised Code; 92

(e) The determination of the total valuation of any parcel 93
that appears on the agricultural land tax list, except parcels 94
assessed by the tax commissioner pursuant to section 5727.06 of 95
the Revised Code; 96

(f) Any determination made under division (A) of section 97
319.302 of the Revised Code. 98

If such a complaint is filed by mail or certified mail, 99
the date of the United States postmark placed on the envelope or 100
sender's receipt by the postal service shall be treated as the 101
date of filing. A private meter postmark on an envelope is not a 102
valid postmark for purposes of establishing the filing date. 103

Any person owning taxable real property in the county or 104

in a taxing district with territory in the county; such a 105
person's spouse; an individual who is retained by such a person 106
and who holds a designation from a professional assessment 107
organization, such as the institute for professionals in 108
taxation, the national council of property taxation, or the 109
international association of assessing officers; a public 110
accountant who holds a permit under section 4701.10 of the 111
Revised Code, a general or residential real estate appraiser 112
licensed or certified under Chapter 4763. of the Revised Code, 113
or a real estate broker licensed under Chapter 4735. of the 114
Revised Code, who is retained by such a person; if the person is 115
a firm, company, association, partnership, limited liability 116
company, or corporation, an officer, a salaried employee, a 117
partner, or a member of that person; if the person is a trust, a 118
trustee of the trust; ~~the board of county commissioners; the~~ 119
~~prosecuting attorney or treasurer of the county; the board of~~ 120
~~township trustees of any township with territory within the~~ 121
~~county; the board of education of any school district with any~~ 122
~~territory in the county; or the mayor or legislative authority~~ 123
~~of any municipal corporation with any territory in the county~~ 124
or, subject to division (A)(6) of this section, the legislative 125
authority of a political subdivision or the mayor of a municipal 126
corporation may file such a complaint regarding any such 127
determination affecting any real property in the county, except 128
that a person owning taxable real property in another county may 129
file such a complaint only with regard to any such determination 130
affecting real property in the county that is located in the 131
same taxing district as that person's real property is located. 132
The county auditor shall present to the county board of revision 133
all complaints filed with the auditor. 134

(2) As used in division (A)(2) of this section, "interim 135

period" means, for each county, the tax year to which section 136
5715.24 of the Revised Code applies and each subsequent tax year 137
until the tax year in which that section applies again. 138

No person, ~~board~~ legislative authority, or officer shall 139
file a complaint against the valuation or assessment of any 140
parcel that appears on the tax list if it filed a complaint 141
against the valuation or assessment of that parcel for any prior 142
tax year in the same interim period, unless the person, ~~board~~ 143
legislative authority, or officer alleges that the valuation or 144
assessment should be changed due to one or more of the following 145
circumstances that occurred after the tax lien date for the tax 146
year for which the prior complaint was filed and that the 147
circumstances were not taken into consideration with respect to 148
the prior complaint: 149

(a) The property was sold in an arm's length transaction, 150
as described in section 5713.03 of the Revised Code; 151

(b) The property lost value due to some casualty; 152

(c) Substantial improvement was added to the property; 153

(d) An increase or decrease of at least fifteen per cent 154
in the property's occupancy has had a substantial economic 155
impact on the property. 156

(3) If a county board of revision, the board of tax 157
appeals, or any court dismisses a complaint filed under this 158
section or section 5715.13 of the Revised Code for the reason 159
that the act of filing the complaint was the unauthorized 160
practice of law or the person filing the complaint was engaged 161
in the unauthorized practice of law, the party affected by a 162
decrease in valuation or the party's agent, or the person owning 163
taxable real property in the county or in a taxing district with 164

territory in the county, may refile the complaint, 165
notwithstanding division (A) (2) of this section. 166

(4) (a) No complaint filed under this section or section 167
5715.13 of the Revised Code shall be dismissed for the reason 168
that the complaint fails to accurately identify the owner of the 169
property that is the subject of the complaint. 170

(b) If a complaint fails to accurately identify the owner 171
of the property that is the subject of the complaint, the board 172
of revision shall exercise due diligence to ensure the correct 173
property owner is notified as required by divisions (B) and (C) 174
of this section. 175

(5) Notwithstanding division (A) (2) of this section, a 176
person, ~~board~~ legislative authority, or officer may file a 177
complaint against the valuation or assessment of any parcel that 178
appears on the tax list if it filed a complaint against the 179
valuation or assessment of that parcel for any prior tax year in 180
the same interim period if the person, ~~board~~ legislative 181
authority, or officer withdrew the complaint before the 182
complaint was heard by the board. 183

(6) Except for a counter-complaint supporting or objecting 184
to a previously filed valuation complaint as authorized under 185
division (B) of this section, the legislative authority of a 186
political subdivision or the mayor of a municipal corporation 187
with territory in the county may not file a valuation complaint 188
with respect to property the political subdivision does not own 189
unless the following conditions are met: 190

(a) The legislative authority or, in the case of a mayor, 191
the legislative authority of the municipal corporation, first 192
adopts a resolution authorizing the filing of the valuation 193

complaint at a public meeting of the legislative authority; 194

(b) If the property is residential property, either of the 195
following circumstances apply: 196

(i) The property was sold within fifteen months after the 197
tax lien date for the tax year for which the complaint is to be 198
filed, and the sale price was at least seventy-five thousand 199
dollars more than the true value in money of the property as 200
listed for taxation for that tax year; 201

(ii) The property was subject to a reappraisal or 202
triennial update within the preceding fifteen months, and the 203
legislative authority or mayor determines that the true value in 204
money of the property is at least seventy-five thousand dollars 205
more than the true value of the property as listed for taxation 206
upon the reappraisal or triennial update. 207

If the basis for the complaint is a determination made 208
under division (A) (6) (b) (ii) of this section, the legislative 209
authority shall mail a written notice, by certified mail, to the 210
last known tax-mailing address of at least one of the record 211
owners of the parcel or parcels identified in the resolution 212
and, if different from that tax-mailing address, to the street 213
address of that parcel or those parcels, stating the intent of 214
the legislative authority in adopting the resolution, the 215
proposed date of adoption, and the basis for the complaint under 216
divisions (A) (1) (a) to (f) of this section relative to each 217
parcel identified in the resolution. The notice shall be 218
postmarked at least seven business days before the legislative 219
authority adopts the resolution. As used in this paragraph, 220
"business day" means a day of the week excluding Saturday, 221
Sunday, and a legal holiday as defined under section 1.14 of the 222
Revised Code. 223

A resolution adopted under division (A) (6) of this section 224
shall identify each of the parcels that are the subject of the 225
valuation complaint by street address, if available from online 226
records of the county auditor, by permanent parcel number, and 227
by the name of at least one of the record owners of the parcel. 228
The failure to accurately identify the street address or the 229
name of the record owners of the parcel in the resolution shall 230
not invalidate the resolution nor be a cause for dismissal of 231
the complaint. 232

A legislative authority may not adopt a resolution under 233
division (A) (6) of this section that identifies more than one 234
parcel, except that a single resolution may identify more than 235
one parcel if all the parcels identified in the resolution are 236
to be included in a single complaint. A resolution required 237
under division (A) (6) of this section shall not include any 238
other matter. The legislative authority may adopt multiple 239
resolutions required under division (A) (6) of this section by a 240
single vote, provided that the vote is separate from the 241
question of whether to adopt any resolution that was not adopted 242
under division (A) (6) of this section, and except that a 243
resolution based on a determination made under division (A) (6) 244
(b) (ii) of this section must be adopted by a separate vote from 245
any other resolution. 246

A board of revision has jurisdiction to consider a 247
valuation complaint filed pursuant to a resolution adopted under 248
division (A) (6) of this section only if the legislative 249
authority files a copy of the resolution with the valuation 250
complaint or causes the resolution to be certified to the board 251
of revision within thirty days after the last date such a 252
complaint could be filed. 253

(7) A complaint form prescribed by a board of revision or 254
the tax commissioner for the purposes of this section shall 255
include both of the following: 256

(a) The following statement: 257

"If the valuation complaint states a net overvaluation, 258
undervaluation, discriminatory valuation, illegal valuation, or 259
incorrect determination of \$26,250 or more in taxable value, 260
notice of the valuation complaint will be delivered to the 261
school district in which the property is located, which may 262
become a party to the valuation complaint by filing a counter- 263
complaint." 264

(b) A box that a legislative authority or mayor, when 265
filing a valuation complaint, must check indicating that a 266
resolution authorizing the complaint was adopted in accordance 267
with division (A)(6) of this section and that, when required 268
under that division, notice was provided before adoption of the 269
resolution to at least one of the record owners of the property 270
that is the subject of the complaint. 271

(B)(1) Within thirty days after the last date such 272
complaints may be filed, the auditor shall give notice of each 273
complaint in to the following parties: 274

(a) For a valuation complaint which the stated amount of 275
that states a net overvaluation, undervaluation, discriminatory 276
valuation, illegal valuation, or incorrect determination is at 277
least in the taxable value of all parcels listed on the 278
valuation complaint of seventeen thousand five hundred dollars 279
or more, to each property owner whose property is the subject of 280
the complaint, if the complaint was not filed by the owner or 281
the owner's spouse, and; 282

(b) For a valuation complaint that states a net 283
overvaluation, undervaluation, discriminatory valuation, illegal 284
valuation, or incorrect determination in the taxable value for 285
all parcels listed on the valuation complaint of twenty-six 286
thousand two hundred fifty dollars or more, to each board of 287
education whose school district may be affected by the valuation 288
complaint. ~~Within~~ For the purposes of this division and division 289
(B) (3) of this section, separate complaints filed with respect 290
to parcels which together form an economic unit shall be treated 291
as if the parcels were included on a single complaint. 292

(2) Within thirty days after receiving ~~such the~~ notice 293
required under division (B) (1) of this section, a board of 294
education; a property owner; the owner's spouse; an individual 295
who is retained by such an owner and who holds a designation 296
from a professional assessment organization, such as the 297
institute for professionals in taxation, the national council of 298
property taxation, or the international association of assessing 299
officers; a public accountant who holds a permit under section 300
4701.10 of the Revised Code, a general or residential real 301
estate appraiser licensed or certified under Chapter 4763. of 302
the Revised Code, or a real estate broker licensed under Chapter 303
4735. of the Revised Code, who is retained by such a person; or, 304
if the property owner is a firm, company, association, 305
partnership, limited liability company, corporation, or trust, 306
an officer, a salaried employee, a partner, a member, or trustee 307
of that property owner, may file a ~~complaint-counter-complaint~~ 308
in support of or objecting to the amount of alleged 309
overvaluation, undervaluation, discriminatory valuation, illegal 310
valuation, or incorrect determination stated in a previously 311
filed complaint or objecting to the current valuation. Upon the 312
filing of a ~~complaint-counter-complaint~~ under this division, the 313

board of education or the property owner shall be made a party 314
to the action. 315

(3) If a property owner files a valuation complaint that 316
states a net overvaluation, undervaluation, discriminatory 317
valuation, illegal valuation, or incorrect determination in the 318
taxable value for all parcels listed on the complaint that is 319
less than twenty-six thousand two hundred fifty dollars, but 320
subsequently requests a net overvaluation, undervaluation, 321
discriminatory valuation, illegal valuation, or incorrect 322
determination in the taxable value for all such parcels equal to 323
or in excess of that amount on that complaint, the board of 324
revision shall suspend the hearing on the complaint and the 325
county auditor shall give notice of the complaint to each board 326
of education whose school district may be affected by the 327
complaint. Within thirty days after receiving the notice, a 328
board of education may file a counter-complaint in support of or 329
objecting to the amount of alleged overvaluation, 330
undervaluation, discriminatory valuation, illegal valuation, or 331
incorrect determination stated in the property owner's valuation 332
complaint or objecting to the current valuation. Upon the board 333
of education's filing of such a counter-complaint, the board of 334
education shall be made a party to the action. 335

Thirty days after such a notice was received by the board 336
of education or after the board of education files a counter- 337
complaint, the board of revision shall continue the hearing on 338
the valuation complaint. The board of revision shall render its 339
decision on the valuation complaint within ninety days after the 340
earlier of the date of such continuation or filing. 341

(4) The board of education of a school district may not 342
file a counter-complaint under this section unless the board is 343

required to receive notice of the valuation complaint from the 344
county auditor in accordance with division (B) (1) (b) or (3) of 345
this section. 346

(C) Each board of revision shall notify any complainant 347
and counter-complainant, and also the property owner, if the 348
property owner's address is known, when a complaint is filed by 349
one other than the property owner, not less than ten days prior 350
to the hearing, either by certified mail or, if the board has 351
record of an internet identifier of record associated with the 352
owner, by ordinary mail and by that internet identifier of 353
record of the time and place the same will be heard. ~~The Except~~ 354
as otherwise provided in this section, the board of revision 355
shall hear and render its decision on a complaint within ninety 356
days after the filing thereof with the board, ~~except that.~~ But 357
if a ~~complaint-counter-complaint~~ complaint-counter-complaint is filed within thirty days 358
after receiving notice from the auditor as provided in division 359
(B) (2) of this section, the board shall hear and render its 360
decision within ninety days after such filing. 361

(D) The determination of any such complaint or counter- 362
complaint shall relate back to the date when the lien for taxes 363
or recoupment charges for the current year attached or the date 364
as of which liability for such year was determined. Liability 365
for taxes and recoupment charges for such year and each 366
succeeding year until the complaint is finally determined and 367
for any penalty and interest for nonpayment thereof within the 368
time required by law shall be based upon the determination, 369
valuation, or assessment as finally determined. Each complaint 370
shall state the amount of overvaluation, undervaluation, 371
discriminatory valuation, illegal valuation, or incorrect 372
classification or determination upon which the complaint is 373
based. The treasurer shall accept any amount tendered as taxes 374

or recoupment charge upon property concerning which a complaint 375
is then pending, computed upon the claimed valuation as set 376
forth in the complaint. If a complaint or counter-complaint 377
filed under this section for the current year is not determined 378
by the board within the time prescribed for such determination, 379
the complaint, counter-complaint, and any proceedings in 380
relation thereto shall be continued by the board as a valid 381
complaint for any ensuing year until such complaint or counter- 382
complaint is finally determined by the board or upon any appeal 383
from a decision of the board. In such case, the original 384
complaint and counter-complaint shall continue in effect without 385
further filing by the original taxpayer, the original taxpayer's 386
assignee, or any other person or entity authorized to file a 387
complaint under this section. 388

(E) If a taxpayer files a complaint as to the 389
classification, valuation, assessment, or any determination 390
affecting the taxpayer's own property and tenders less than the 391
full amount of taxes or recoupment charges as finally 392
determined, an interest charge shall accrue as follows: 393

(1) If the amount finally determined is less than the 394
amount billed but more than the amount tendered, the taxpayer 395
shall pay interest at the rate per annum prescribed by section 396
5703.47 of the Revised Code, computed from the date that the 397
taxes were due on the difference between the amount finally 398
determined and the amount tendered. This interest charge shall 399
be in lieu of any penalty or interest charge under section 400
323.121 of the Revised Code unless the taxpayer failed to file a 401
complaint and tender an amount as taxes or recoupment charges 402
within the time required by this section, in which case section 403
323.121 of the Revised Code applies. 404

(2) If the amount of taxes finally determined is equal to 405
or greater than the amount billed and more than the amount 406
tendered, the taxpayer shall pay interest at the rate prescribed 407
by section 5703.47 of the Revised Code from the date the taxes 408
were due on the difference between the amount finally determined 409
and the amount tendered, such interest to be in lieu of any 410
interest charge but in addition to any penalty prescribed by 411
section 323.121 of the Revised Code. 412

(F) Upon request of a complainant, the tax commissioner 413
shall determine the common level of assessment of real property 414
in the county for the year stated in the request that is not 415
valued under section 5713.31 of the Revised Code, which common 416
level of assessment shall be expressed as a percentage of true 417
value and the common level of assessment of lands valued under 418
such section, which common level of assessment shall also be 419
expressed as a percentage of the current agricultural use value 420
of such lands. Such determination shall be made on the basis of 421
the most recent available sales ratio studies of the 422
commissioner and such other factual data as the commissioner 423
deems pertinent. 424

(G) A complainant shall provide to the board of revision 425
all information or evidence within the complainant's knowledge 426
or possession that affects the real property that is the subject 427
of the complaint. A complainant who fails to provide such 428
information or evidence is precluded from introducing it on 429
appeal to the board of tax appeals or the court of common pleas, 430
except that the board of tax appeals or court may admit and 431
consider the evidence if the complainant shows good cause for 432
the complainant's failure to provide the information or evidence 433
to the board of revision. 434

(H) In case of the pendency of any proceeding in court 435
based upon an alleged excessive, discriminatory, or illegal 436
valuation or incorrect classification or determination, the 437
taxpayer may tender to the treasurer an amount as taxes upon 438
property computed upon the claimed valuation as set forth in the 439
complaint to the court. The treasurer may accept the tender. If 440
the tender is not accepted, no penalty shall be assessed because 441
of the nonpayment of the full taxes assessed. 442

(I) As used in this section: 443

(1) "Valuation complaint" means a complaint against the 444
valuation or assessment of any parcel of real property. 445

(2) "Counter-complaint" means a complaint filed under 446
division (B) of this section. 447

(3) "Legislative authority of a political subdivision" 448
means the board of county commissioners, a board of township 449
trustees of any township with territory in the county, the board 450
of education of any school district with territory in the 451
county, or the legislative authority of a municipal corporation 452
with territory in the county. 453

(4) "Residential property" means property classified as to 454
use for residential purposes in accordance with rules adopted by 455
the tax commissioner under section 5713.041 of the Revised Code. 456

(5) "Economic unit" means property comprised of multiple 457
parcels that is united by an economic function such that it will 458
normally be sold as a single property. An economic unit may be 459
comprised of parcels that are neither contiguous nor owned by 460
the same owner, but the parcels must be managed and operated on 461
a unitary basis and each parcel must make a positive 462
contribution to the operation of the unit. 463

Section 2. That existing sections 5709.17 and 5715.19 of 464
the Revised Code are hereby repealed. 465

Section 3. The amendment by this act of section 5715.19 of 466
the Revised Code applies to any complaint or counter-complaint 467
filed against the valuation or assessment of any parcel for tax 468
year 2019 or any tax year thereafter. 469

The amendment by this act of section 5709.17 of the 470
Revised Code applies to tax years ending on or after the 471
effective date of this act. 472