

S. B. No. 186
As Passed by the Senate

_____ moved to amend as follows:

In line 2 of the title, after "5713.18" insert ", 5715.012, 5715.251, 5715.26" 1
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In line 5 of the title, delete "and" and insert ",," 3

In line 7 of the title, after "property" insert ", and to modify the process for making property tax sales-assessment ratio studies" 4
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In line 9, after "5713.18" insert ", 5715.012, 5715.251, 5715.26" 6

After line 391, insert: 7

"Sec. 5715.012. The tax commissioner shall make sales-assessment ratio studies of sales and assessments of real property for the purpose of determining the common level of assessment of real property within the counties pursuant to section 5715.19 of the Revised Code and for the purpose of equalization. Such studies shall be based solely on a representative sampling of sales provided to the commissioner by the county auditor. That sample shall include only open market arms' length sales occurring during the three years prior to the tax year to which the sample is applied ~~of open market arms'~~" 8
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~~length sales by between~~ a willing seller to a willing buyer for 18
a current like use within the class or classes of real property 19
~~sampled by the board.~~ Where there are not sufficient arms' 20
length sales to constitute a representative sampling for such 21
studies within a class, the ~~commissioner-auditor~~ may also 22
conduct appraisals of real property in that class, which shall 23
be a part of such studies. 24

Such studies and other information of the commissioner may 25
be used by the commissioner as guidelines, where applicable, in 26
the equalization of a class or classes of real property. Such 27
studies or other information of the commissioner shall not be 28
applied by the commissioner on a taxing district, countywide, or 29
statewide basis for the purpose of equalization unless the 30
~~commissioner-auditor~~ first finds there are sufficient arms' 31
length sales for a like use included in the sample in a class, 32
or arms' length sales and appraisals conducted by the 33
~~commissioner-auditor~~ for a like use included in the sample in a 34
class, to provide an indication that said sales or sales and 35
appraisals in the class are representative of all parcels in the 36
class. 37

In addition, the commissioner shall make other studies of 38
the value of real property within the counties which may be used 39
as guidelines, where applicable, in the equalization of a class 40
or classes of real property. 41

Sec. 5715.251. ~~The county auditor may appeal~~ (A) The 42
following appeals may be taken to the board of tax appeals: 43

(1) A county auditor may appeal any determination of 44
change in the abstract of real property of a taxing district in 45
the auditor's county that is made by the tax commissioner under 46
section 5715.24 of the Revised Code. 47

(2) The commissioner may appeal an auditor's determination 48
of the sales included in the representative sampling of sales 49
required to be used by the commissioner in making sales- 50
assessment ratio studies under section 5715.012 of the Revised 51
Code. 52

~~The~~ (B) An appeal filed under division (A) of this section 53
shall be taken within thirty days after receipt of the statement 54
by the county auditor of the commissioner's determination ~~by the~~ 55
~~filing by the county auditor of or after the commissioner's~~ 56
receipt of the representative sample, as applicable. For an 57
appeal under division (A) (1) of this section, the commissioner 58
shall be made appellee, and for an appeal under division (A) (2) 59
of this section, the county auditor shall be made appellee. The 60
appellant shall file a notice of appeal with the board and the 61
~~commissioner~~appellee. Such notice of appeal shall set forth the 62
determination of the commissioner or the auditor's 63
representative sample appealed from, as applicable, and the 64
errors therein complained of. Proof of the filing of such notice 65
with the ~~commissioner~~appellee shall be filed with the board. 66
The board shall have exclusive jurisdiction of the appeal. 67

~~In all such appeals the commissioner shall be made~~ 68
~~appellee.~~ Unless waived, notice of the appeal shall be served 69
upon the ~~commissioner~~appellee by certified mail. The 70
prosecuting attorney shall represent the county auditor in such 71
an appeal. 72

~~The~~ (C) For an appeal under division (A) (1) of this 73
section, the commissioner, upon written demand filed by the 74
county auditor, shall within thirty days after the filing of 75
such demand file with the board a certified transcript of the 76
record of the commissioner's proceedings pertaining to the 77

determination complained of and the evidence the commissioner 78
considered in making such determination. For an appeal under 79
division (A) (2) of this section, the auditor, upon written 80
demand filed by the commissioner, shall within thirty days after 81
the filing of such demand file with the board any evidence the 82
auditor considered in determining the contents of the 83
representative sampling of sales. 84

If upon hearing and consideration of such record and 85
evidence the board decides that the determination or sample 86
appealed from is reasonable and lawful, it shall affirm the 87
same, but if the board decides that such determination or sample 88
is unreasonable or unlawful, the board shall reverse and vacate 89
the determination or ~~modify it shall modify the determination or~~ 90
sample and enter a final order in accordance with such 91
modification. 92

The secretary of the board shall send the order of the 93
board to the county auditor and to the commissioner, and they 94
shall take such action in connection therewith as is required to 95
give effect to the order of the board. At the request of the 96
county auditor, the board of tax appeal's order shall be sent by 97
certified mail at the county auditor's expense. 98

Sec. 5715.26. (A) (1) Upon receiving the statement 99
required by section 5715.25 of the Revised Code, the county 100
auditor shall forthwith add to or deduct from each tract, lot, 101
or parcel of real property or class of real property the 102
required percentage or amount of the valuation thereof, adding 103
or deducting any sum less than five dollars so that the value of 104
any separate tract, lot, or parcel of real property shall be ten 105
dollars or some multiple thereof. 106

(2) After making the additions or deductions required by 107

this section, the auditor shall transmit to the tax commissioner 108
the appropriate adjusted abstract of the real property of each 109
taxing district in the auditor's county in which an adjustment 110
was required. 111

(3) If the commissioner increases or decreases the 112
aggregate value of the real property or any class thereof in any 113
county or taxing district thereof and does not receive within 114
ninety days thereafter an adjusted abstract conforming to its 115
statement for such county or taxing district therein, the 116
commissioner shall withhold from such county or taxing district 117
therein fifty per cent of its share in the distribution of state 118
revenues to local governments pursuant to sections 5747.50 to 119
5747.55 of the Revised Code and shall direct the department of 120
education and workforce to withhold therefrom fifty per cent of 121
state revenues to school districts pursuant to Chapter 3317. of 122
the Revised Code. The commissioner shall withhold the 123
distribution of such funds until such county auditor has 124
complied with this division, and the department shall withhold 125
the distribution of such funds until the commissioner has 126
notified the department that such county auditor has complied 127
with this division. 128

(B) (1) ~~If the commissioner's determination is appealed an~~ 129
appeal is filed under section 5715.251 of the Revised Code, the 130
county auditor, treasurer, and all other officers shall 131
forthwith proceed with the levy and collection of the current 132
year's taxes in the manner prescribed by law. ~~The~~ In the case of 133
an appeal filed under division (A) (1) of that section, the taxes 134
shall be determined and collected as if the commissioner had 135
determined under section 5715.24 of the Revised Code that the 136
real property and the various classes thereof in the county as 137
shown in the auditor's abstract were assessed for taxation and 138

the true and agricultural use values were recorded on the 139
agricultural land tax list as required by law. In the case of an 140
appeal filed under division (A)(2) of that section, the taxes 141
shall be determined and collected as if the commissioner had 142
determined any change in the abstract of real property of a 143
taxing district under section 5715.24 of the Revised Code by 144
using the representative sampling of sales provided by the 145
county auditor without adjustment. 146

(2) If as a result of the appeal to the board it is 147
finally determined ~~either~~ that adjustments are required to an 148
auditor's representative sampling of sales, that all real 149
property and the various classes thereof have not been assessed 150
as required by law, or that the values set forth in the 151
agricultural land tax list do not correctly reflect the true and 152
agricultural use values of the lands contained therein, the 153
county auditor shall forthwith add to or deduct from each tract, 154
lot, or parcel of real property or class of real property the 155
required percentage or amount of the valuation in accordance 156
with the order of the board or judgment of the court to which 157
the board's order was appealed, and the taxes on each tract, 158
lot, or parcel and the percentages required by section 319.301 159
of the Revised Code shall be recomputed using the valuation as 160
finally determined. The order or judgment making the final 161
determination shall prescribe the time and manner for 162
collecting, crediting, or refunding the resultant increases or 163
decreases in taxes. " 164

In line 917, after "5713.18" insert ", 5715.012, 5715.251, 5715.26" 165

In line 919, after "3." insert "(A)" 166

After line 925, insert: 167

"(B) The amendment by this act of sections 5715.012, 168
5715.251, and 5715.26 of the Revised Code applies to tax year 169
2025 and every tax year thereafter." 170

The motion was _____ agreed to.

SYNOPSIS 171

Property tax sales-assessment ratio studies 172

R.C. 5715.012, 5715.251, and 5715.26; Section 3(B) 173

Modifies the process for conducting the sales-assessment 174
ratio studies that the Department of Taxation (TAX) uses to 175
adjust, or "equalize," county auditors' proposed property 176
values. Currently, TAX determines which property sales are 177
included in such studies. The amendment requires that TAX use a 178
property sales sample provided by the county auditor. 179

Allows TAX to file an appeal with the BTA challenging the 180
property sales included or excluded from an auditor's sample. 181
Under continuing law, auditors can also appeal TAX's ultimate 182
decision to adjust property values. 183