

FIRST REGULAR SESSION

HOUSE BILL NO. 222

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHNEIDER.

0936L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 137.082, RSMo, and to enact in lieu thereof one new section relating to assessment of newly constructed residential property.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 137.082, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.082, to read as follows:

137.082. 1. Notwithstanding the provisions of sections 137.075 and 137.080 to the contrary, a building or other structure classified as residential property pursuant to section 137.016 newly constructed and occupied on any parcel of real property shall be assessed and taxed on such assessed valuation as of the first day of the month following the date of occupancy for the proportionate part of the remaining year at the tax rates established for that year, in all taxing jurisdictions located in the county adopting this section as provided in subsection 8 of this section. Newly constructed residential property which has never been occupied shall not be assessed as improved real property until such occupancy or the first day of January of the [second] **fourth** year following the year in which construction of the improvements was completed, **regardless of whether the county in which such property is located implements the provisions of this section as provided in subsection 8 of this section.**

2. The assessor may consider a property residentially occupied upon personal verification or when any two of the following conditions have been met:

(1) An occupancy permit has been issued for the property;

(2) A deed transferring ownership from one party to another has been filed with the recorder of deeds' office subsequent to the date of the first permanent utility service;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (3) A utility company providing service in the county has verified a transfer of service
18 for property from one party to another;

19 (4) The person or persons occupying the newly constructed property has registered a
20 change of address with any local, state or federal governmental office or agency.

21 3. In implementing the provisions of this section, the assessor may use occupancy
22 permits, building permits, warranty deeds, utility connection documents, including telephone
23 connections, or other official documents as may be necessary to discover the existence of newly
24 constructed properties. No utility company shall refuse to provide verification monthly to the
25 assessor of a utility connection to a newly occupied single family building or structure.

26 4. In the event that the assessment under subsections 1 and 2 of this section is not
27 completed until after the deadline for filing appeals in a given tax year, the owner of the newly
28 constructed property who is aggrieved by the assessment of the property may appeal this
29 assessment the following year to the county board of equalization in accordance with chapter 138
30 and may pay any taxes under protest in accordance with section 139.031; provided however, that
31 such payment under protest shall not be required as a condition of appealing to the county board
32 of equalization. The collector shall impound such protested taxes and shall not disburse such
33 taxes until resolution of the appeal.

34 5. The increase in assessed valuation resulting from the implementation of the provisions
35 of this section shall be considered new construction and improvements under the provisions of
36 this chapter.

37 6. In counties which adopt the provisions of subsections 1 to 7 of this section, an amount
38 not to exceed ten percent of all ad valorem property tax collections on newly constructed and
39 occupied residential property allocable to each taxing authority within counties of the first
40 classification having a population of nine hundred thousand or more, one-tenth of one percent
41 of all ad valorem property tax collections allocable to each taxing authority within all other
42 counties of the first classification and one-fifth of one percent of all ad valorem property tax
43 collections allocable to each taxing authority within counties of the second, third and fourth
44 classifications and any county of the first classification having a population of at least eighty-
45 two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, in addition
46 to the amount prescribed by section 137.720 shall be deposited into the assessment fund of the
47 county for collection costs.

48 7. For purposes of figuring the tax due on such newly constructed residential property,
49 the assessor or the board of equalization shall place the full amount of the assessed valuation on
50 the tax book upon the first day of the month following occupancy. Such assessed valuation shall
51 be taxed for each month of the year following such date at its new assessed valuation, and for
52 each month of the year preceding such date at its previous valuation. The percentage derived

53 from dividing the number of months at which the property is taxed at its new valuation by twelve
54 shall be applied to the total assessed valuation of the new construction and improvements, and
55 such product shall be included in the next year's base for the purposes of figuring the next year's
56 tax levy rollback. The untaxed percentage shall be considered as new construction and
57 improvements in the following year and shall be exempt from the rollback provisions.

58 8. Subsections 1 to 7 of this section shall be effective in those counties including any city
59 not within a county in which the governing body of such county elects to adopt a proposal to
60 implement the provisions of subsections 1 to 7 of this section. Such subsections shall become
61 effective in such county on the first day of January of the year following such election.

62 9. In any county which adopts the provisions of subsections 1 to 7 of this section prior
63 to the first day of June in any year pursuant to subsection 8 of this section, the assessor of such
64 county shall, upon application of the property owner, remove on a pro rata basis from the tax
65 book for the current year any residential real property improvements destroyed by a natural
66 disaster if such property is unoccupied and uninhabitable due to such destruction. On or after
67 the first day of July, the board of equalization shall perform such duties. Any person claiming
68 such destroyed property shall provide a list of such destroyed property to the county assessor.
69 The assessor shall have available a supply of appropriate forms on which the claim shall be
70 made. The assessor may verify all such destroyed property listed to ensure that the person made
71 a correct statement. Any person who completes such a list and, with intent to defraud, includes
72 property on the list that was not destroyed by a natural disaster shall, in addition to any other
73 penalties provided by law, be assessed double the value of any property fraudulently listed. The
74 list shall be filed by the assessor, after he has provided a copy of the list to the county collector
75 and the board of equalization, in the office of the county clerk who, after entering the filing
76 thereof, shall preserve and safely keep them. If the assessor, subsequent to such destruction,
77 considers such property occupied as provided in subsection 2 of this section, the assessor shall
78 consider such property new construction and improvements and shall assess such property
79 accordingly as provided in subsection 1 of this section. For the purposes of this section, the term
80 "natural disaster" means any disaster due to natural causes such as tornado, fire, flood, or
81 earthquake.

82 10. Any political subdivision may recover the loss of revenue caused by subsection 9 of
83 this section by adjusting the rate of taxation, to the extent previously authorized by the voters of
84 such political subdivision, for the tax year immediately following the year of such destruction
85 in an amount not to exceed the loss of revenue caused by this section.