



**H.B. 92**

126th General Assembly  
(As Introduced)

**Reps. Sayre, Williams, Domenick, Hartnett, Brown, Hood, Bocchieri,  
Chandler, Healy, Perry, Garrison**

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**BILL SUMMARY**

- Extends the time within which taxpayers owning flood-damaged property must pay real property and manufactured or mobile home taxes.

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**CONTENT AND OPERATION**

**Property tax extensions for owners of flood-damaged property**

(R.C. 323.123(A) and (B))

The act authorizes an extension of time for paying taxes owed on any real property or manufactured or mobile home that has been destroyed or significantly damaged by flood. To qualify for the extension, the property must be located in a county that has experienced one or more incidents of flooding of sufficient magnitude that the Governor has declared a state of emergency with respect to the county or a portion of the county.

**Applications for extension and payment of deferred taxes**

(R.C. 323.123(B) and (C))

Applications for an extension must be filed with the county auditor on forms and in the manner prescribed by the auditor. The bill requires that the auditor or another person designated by the auditor physically inspect the real property or manufactured or mobile home with respect to which an extension is sought to confirm that the property has been destroyed or significantly damaged by flood.

If the auditor grants an extension, the deadline for paying taxes and assessments charged against the property is extended for a period of six months

from the date on which the taxes were originally due.<sup>1</sup> Interest does not accrue on the taxes and assessments during the extension period.

A taxpayer is required to pay all outstanding taxes and assessments charged against the property at the conclusion of the extension period. Alternatively, the taxpayer may enter into a written contract with the auditor for payment of the taxes and assessments in installments. Payment of taxes and assessments under an installment contract occurs over a 12-month period. For each contract, the auditor must determine and specify in the contract the number of installments, the amount of each installment, and the schedule for payment of the installments. No interest accrues on taxes and assessments paid under an installment contract during the 12-month contract period. However, a contract may provide for the accrual of interest on delinquent installments at a rate determined by the auditor.

**No penalties or interest during contract period**

(R.C. 323.123(D))

Taxes and assessments, the payment of which has been extended, do not constitute delinquent taxes, and the property against which those taxes and assessments are charged is not to be placed on the delinquent land list or delinquent manufactured home tax list unless the taxpayer and auditor entered into an installment contract and one or more payments under the contract are delinquent.

**Tax payments through mortgage companies, other agents abated**

(R.C. 323.123(E))

If a taxpayer qualifies for an extension and the taxpayer has designated an agent for payment of the extended taxes and assessments, the agent is prohibited from requiring the taxpayer to pay to the agent any of those taxes and assessments during the period for which payment is extended. If the taxpayer pays taxes and assessments as part of a mortgage loan installment payment, the agent must deduct the portion of the payment that represents the taxes and assessments from the amount of each mortgage loan installment payment payable during the extension period.

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<sup>1</sup> Generally, for real property taxes, continuing law requires that the full amount be paid on or before December 31, or ½ of the current taxes together with delinquent taxes before that date, and the remaining ½ on or before the following June 20. For manufactured home taxes, ½ of the tax is due on or before March 1 and the balance is due on or before July 31, or the tax for the entire year may be paid in full on March 1.

**Extensions authorized by county boards of revisions**

(R.C. 323.123(B) and (F) and 323.17 (not in the bill))

Under continuing law, a county board of revision may extend the time for payment of taxes on certain flood-damaged property. Continuing law establishes a threshold amount of damage that must be sustained by a parcel of property before a board of revision can extend the time for payment of taxes on the property: the property must have been destroyed or damaged in an amount equal to at least 25% of its assessed value or \$2,000, whichever is less.

The bill permits county boards of revision to continue granting these extensions. Under the bill, a taxpayer conceivably could be eligible for extensions from both a county board of revision and the county auditor. Nothing in the bill precludes a taxpayer from receiving successive extensions from both entities.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	03-01-05	p. 238

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