

# House File 2355 - Introduced

HOUSE FILE \_\_\_\_\_  
BY WHITAKER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act allowing a property owner to petition for the suspension  
2 or abatement of property taxes for damaged improvements to  
3 real property.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5805HH 82  
6 md/sc/14

PAG LIN

1 1 Section 1. Section 331.402, subsection 2, paragraph g,  
1 2 Code 2007, is amended to read as follows:  
1 3 g. Order the suspension of property taxes or cancel and  
1 4 remit the taxes of certain persons as provided in sections  
1 5 427.7, 427.8, and 427.10.  
1 6 Sec. 2. Section 420.207, Code 2007, is amended to read as  
1 7 follows:  
1 8 420.207 TAXATION IN GENERAL.  
1 9 Sections 426A.11 through 426A.15, 427.1, 427.7, 427.8 to  
1 10 427.11, 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21,  
1 11 443.1 to 443.3, 444.2 to 444.5, and 447.9 to 447.13, so far as  
1 12 applicable, apply to cities acting under special charters.  
1 13 Sec. 3. Section 425.17, subsection 8, Code 2007, is  
1 14 amended to read as follows:  
1 15 8. "Property taxes due" means property taxes including any  
1 16 special assessments, but exclusive of delinquent interest and  
1 17 charges for services, due on a claimant's homestead in this  
1 18 state, but includes only property taxes for which the claimant  
1 19 is liable and which will actually be paid by the claimant.  
1 20 However, if the claimant is a person whose property taxes have  
1 21 been suspended under sections 427.7, 427.8, and 427.9,  
1 22 "property taxes due" means property taxes including any  
1 23 special assessments, but exclusive of delinquent interest and  
1 24 charges for services, due on a claimant's homestead in this  
1 25 state, but includes only property taxes for which the claimant  
1 26 is liable and which would have to be paid by the claimant if  
1 27 the payment of the taxes has not been suspended pursuant to  
1 28 sections 427.7, 427.8, and 427.9. "Property taxes due" shall  
1 29 be computed with no deduction for any credit under this  
1 30 division or for any homestead credit allowed under section  
1 31 425.1. Each claim shall be based upon the taxes due during  
1 32 the fiscal year next following the base year. If a homestead  
1 33 is owned by two or more persons as joint tenants or tenants in  
1 34 common, and one or more persons are not members of claimant's  
1 35 household, "property taxes due" is that part of property taxes  
2 1 due on the homestead which equals the ownership percentage of  
2 2 the claimant and the claimant's household. The county  
2 3 treasurer shall include with the tax receipt a statement that  
2 4 if the owner of the property is eighteen years of age or over,  
2 5 the person may be eligible for the credit allowed under this  
2 6 division. If a homestead is an integral part of a farm, the  
2 7 claimant may use the total property taxes due for the larger  
2 8 unit. If a homestead is an integral part of a multidwelling  
2 9 or multipurpose building the property taxes due for the  
2 10 purpose of this subsection shall be prorated to reflect the  
2 11 portion which the value of the property that the household  
2 12 occupies as its homestead is to the value of the entire  
2 13 structure. For purposes of this subsection, "unit" refers to  
2 14 that parcel of property covered by a single tax statement of  
2 15 which the homestead is a part.  
2 16 Sec. 4. NEW SECTION. 427.7 SUSPENSION OR ABATEMENT OF  
2 17 TAXES == DAMAGE TO IMPROVEMENTS OF REAL PROPERTY.  
2 18 1. If improvements located on real property suffer damage  
2 19 not intentionally caused by the owner of the real property so

2 20 as to render the improvements unavailable for their current or  
2 21 intended use, the owner may file a petition, duly sworn to,  
2 22 with the board of supervisors, stating that fact and giving a  
2 23 statement of affected parcels, as defined in section 445.1,  
2 24 owned by the petitioner, and other information as the board  
2 25 may require.

2 26 2. In response to a petition under subsection 1, the board  
2 27 of supervisors may order the county treasurer to do either of  
2 28 the following:

2 29 a. Suspend the collection of taxes, special assessments,  
2 30 and rates or charges, including interest, fees, and costs, as  
2 31 regards to the damaged improvements, which are assessed  
2 32 against the petitioner or the petitioner's estate for the  
2 33 current year as of the date the damage occurred.

2 34 b. Abate the taxes, special assessments, and rates or  
2 35 charges, including interest, fees, and costs, as regards to  
3 1 the damaged improvements, which are assessed against the  
3 2 petitioner or the petitioner's estate for the current year as  
3 3 of the date the damage occurred.

3 4 Sec. 5. Section 427.10, Code 2007, is amended to read as  
3 5 follows:

3 6 427.10 ABATEMENT.

3 7 The board of supervisors may, if in their judgment it is  
3 8 for the best interests of the public and the petitioner  
3 9 referred to in section 427.7 or 427.8, or the public and the  
3 10 person referred to in section 427.9, abate the taxes, special  
3 11 assessments, and rates or charges, including interest, fees,  
3 12 and costs, which have previously been suspended as provided in  
3 13 section 427.7, 427.8, or 427.9.

3 14 Sec. 6. Section 445.1, unnumbered paragraph 1, Code 2007,  
3 15 is amended to read as follows:

3 16 For the purpose of this chapter and chapters 446, 447, and  
3 17 448, section 331.553, subsection 3, and sections ~~427.8~~ 427.7  
3 18 through 427.12 and 569.8:

3 19 EXPLANATION

3 20 This bill allows a property owner to file a petition with  
3 21 the county board of supervisors requesting a suspension or  
3 22 abatement of property taxes, special assessments, and rates or  
3 23 charges, including interest, fees, and costs, as regards to  
3 24 improvements to real property that have been damaged. To be  
3 25 eligible for abatement or suspension of property taxes, the  
3 26 damage must render the improvements unavailable for their  
3 27 current or intended use. The bill does not allow for the  
3 28 abatement or suspension of property taxes if the damage is  
3 29 intentionally caused by the owner of the property. The bill  
3 30 also provides that the board of supervisors may abate the  
3 31 property taxes which have previously been suspended for  
3 32 damaged improvements.

3 33 LSB 5805HH 82

3 34 md/sc/14