

How to Appeal the Classification of a Charge by a Local Government



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General information

Taxes on property are subject to the limits established by section 11, or 11b, Article XI of the Oregon Constitution. Many fees, charges, and assessments are not subject to these constitutional limits. A local government may classify its tax, fee, charge, or assessment (we'll call it a "charge") as subject to or not subject to the limits.

When a charge is subject to the constitutional limits, the amount imposed must be billed on your property tax statement. When a charge is not subject to the constitutional limits, the amount imposed is usually billed directly to you by the local government. One exception is exempt bond repayment amounts which are not limited but appear on your property tax statement.

The laws that provide the definitions for the classification and categorization of charges can be found in the Oregon Revised Statutes (ORS). The wording of Measure 5 is found in section 11b, Article XI of the Oregon Constitution and further clarification is in ORS 310.140.

Appealing to the Oregon Tax Court

If you believe that a local government has misclassified its charge, you may appeal to the Oregon Tax Court. To appeal, you must file a legal petition with the Oregon Tax Court (ORS 305.580–591).

The petition must name the local government that is imposing the charge, or in the case of an urban renewal agency, the unit of government that receives the taxes. It must also state the facts and grounds upon which you contend the charge is affected by section 11, or 11b, Article XI of the Oregon Constitution. You must submit the original petition and two certified copies to the clerk of the Tax Court.

A local government may choose to adopt a new charge through a resolution or ordinance which classifies the amount as subject to or not subject to the constitutional limits (ORS 310.145). If the amount is classified as not subject to the limits, the local government must publish the information in a newspaper within 15 days after adoption. If the charge is classified as subject to the limits, publication is not required.

In most cases, the petition can be filed no later than 60 days after:

- The action of the governing body approving the ordinance or resolution under which the charge is classified, or
- The date of imposition of the charge.

The statute (ORS 305.583) has specific language for charges related to bonds and local improvements. You should consult the statute and your own legal professional for the specifics related to any particular charge.

Trial procedure

Your petition to the court will result in a trial. A trial held in the Oregon Tax Court is a formal proceeding. You may represent yourself. If you choose to represent yourself, you must follow the rules of the Tax Court. A copy of the rules can be purchased from the Oregon Tax Court, however, many county law libraries have copies that you can use. Most people prefer to be represented by a lawyer. Both parties present their evidence. After the trial, the judge will consider the evidence. You will be notified of the decision by mail. If your appeal is successful, the Tax Court may order a refund or other relief it considers appropriate.

Appealing the Tax Court decision to the Oregon Supreme Court

If you are not satisfied with the Tax Court decision, you may appeal to the Oregon Supreme Court. You may want to talk to a lawyer to decide whether you should take your appeal to the Oregon Supreme Court.

Taxpayer assistance

General tax information www.oregon.gov/DOR
Salem 503-378-4988
Toll-free from an Oregon prefix..... 1-800-356-4222

Asistencia en español:
Salem 503-378-4988
Gratis de prefijo de Oregon..... 1-800-356-4222

TTY (hearing or speech impaired; machine only):
Salem 503-945-8617
Toll-free from an Oregon prefix..... 1-800-886-7204

Americans with Disabilities Act (ADA): Call one of the help numbers for information in alternative formats.