

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

5

HOUSE BILL 457
Committee Substitute Favorable 4/18/89
Committee Substitute #2 Favorable 6/6/89
Fourth Edition Engrossed 6/13/89
Finance Senate Committee Substitute Adopted 7/26/89

Short Title: Property Used by Government/Tax.

(Public)

Sponsors:

Referred to:

March 6, 1989

A BILL TO BE ENTITLED

AN ACT TO EXCLUDE FROM AD VALOREM TAXATION REAL AND
PERSONAL PROPERTY OWNED BY NONPROFIT ORGANIZATIONS AND
LEASED BY UNITS OF GOVERNMENT FOR PUBLIC PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-275 is amended by adding a new subdivision to read:

"(39) Real and personal property that is: (i) owned by a nonprofit corporation organized upon the request of a local government unit for the sole purpose of financing projects for public use, (ii) leased to a unit of local government whose property is exempt from taxation under G.S. 105-278.1, and (iii) used in whole or in part for a public purpose by such unit of local government. If only part of the property is used for a public purpose, only that part is exempt from the tax. This subdivision shall not apply if any distributions are made to members, officers, or directors of the nonprofit corporation."

Sec. 2. G.S. 105-282.1(a) reads as rewritten:

"(a) Every owner of property claiming exemption or exclusion from property taxes under the provisions of this Subchapter has the burden of establishing that the property is entitled thereto. Except as provided below, an owner claiming exemption or exclusion shall annually file an application for exemption or exclusion during the listing

1 period. If the property for which the exemption or exclusion is claimed is appraised by
2 the Department of Revenue, the application shall be filed with the Department.
3 Otherwise, the application shall be filed with the assessor of the county in which the
4 property is situated. If the property covered by the application is located within a
5 municipality, that fact shall be shown on the application. Each application filed with the
6 Department of Revenue or an assessor shall be submitted on a form approved by the
7 Department. Application forms shall be made available by the assessor and the
8 Department, as appropriate.

- 9 (1) The United States government, the State of North Carolina and the
10 counties and municipalities of the State are exempted from the
11 requirement that owners file applications for exemption.
- 12 (2) Owners of the special classes of property excluded from taxation under
13 G.S. 105-275(5), (15), (16), (26), (31), (33), or (34), or exempted
14 under G.S. 105-278.2 are not required to file applications for the
15 exclusion of that property.
- 16 (3) After an owner of property entitled to exemption under G.S. 105-
17 277.1, 105-278.3, 105-278.4, 105-278.5, 105-278.6, 105-278.7, or
18 105-278.8 or exclusion under G.S. 105-275(3), ~~(7) or (7)~~, (12) or (39)
19 or G.S. 105-278 has applied for exemption and the exemption has been
20 approved, such owner shall not be required to file applications in
21 subsequent years except in the following circumstances:
 - 22 a. New or additional property is acquired or improvements are
23 added or removed, necessitating a change in the valuation of the
24 property, or
 - 25 b. There is a change in the use of the property or the qualifications
26 or eligibility of the taxpayer necessitating a review of the
27 exemption.
- 28 (4) Upon a showing of good cause by the applicant for failure to make a
29 timely application, an application for exemption or exclusion filed
30 after the close of the listing period may be approved by the
31 Department of Revenue, the board of equalization and review, the
32 board of county commissioners, or the governing body of a
33 municipality, as appropriate. An untimely application for exemption
34 or exclusion approved under this subdivision applies only to property
35 taxes levied by the county or municipality in the calendar year in
36 which the untimely application is filed."

37 Sec. 3. This act is effective for taxable years beginning on or after January 1,
38 1989. Notwithstanding the provisions of G.S. 105-282.1(a), an application for the
39 exclusion provided in this act for the 1989 tax year shall be considered timely if it is
40 filed on or before September 1, 1989.