

HOUSE BILL 1721

By Reedy

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5 and Title 67, Chapter 6, relative to tax relief for victims of certain natural disasters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-5-603, is amended by adding the following new subsection (d):

(d) If, on or after August 20, 2021, and before December 31, 2021, a building or improvement was demolished or destroyed, or substantially damaged by flood, fire, wind, or any other disaster certified by the federal emergency management agency (FEMA), then the annual assessment of the affected building or improvement in a county included in the FEMA declaration must be prorated for tax year 2021 in the manner provided in subsection (a), for the actual time the building or improvement is destroyed and not replaced, or the actual time the building or improvement is substantially damaged, regardless of whether the building or improvement is restored or replaced by December 31, 2021; provided, that the total time the building or improvement is destroyed or damaged and not replaced or restored, exceeds thirty (30) days. The owner must apply for this relief to the assessor by September 1, 2022, using a form approved by the director of the state division of property assessments. If the tax computed for tax year 2021 has been paid prior to the proration by the assessor, then the trustee or municipal collector shall refund to the owner that portion of the tax paid that resulted from the incorrect assessment. This subsection (d) is effective retroactively to January 1, 2021, but does not take effect as to a particular county or municipality unless approved by two-thirds (2/3) vote of its governing body. This subsection (d) is deleted on December 31, 2022.

SECTION 2. Tennessee Code Annotated, Section 67-5-606, is amended by inserting the following new subsection (c):

(c) If, on or after August 20, 2021, and before December 31, 2021, commercial and industrial tangible personal property was demolished or destroyed, or substantially damaged by flood, fire, wind, or any other disaster certified by the federal emergency management agency (FEMA), then the annual assessment of the qualifying personal property in a FEMA certified county must be prorated for tax year 2021 in the manner provided in subsection (a), for the actual time the qualifying personal property is not replaced or restored, or the actual time the qualifying personal property is substantially damaged, regardless of whether the qualifying personal property is restored or replaced by December 31, 2021; provided, that the total time the qualifying personal property is not replaced or restored exceeds thirty (30) days. The owner must apply for this relief to the assessor by September 1, 2022, using a form approved by the director of the state division of property assessments. If the tax computed for tax year 2021 has been paid prior to the proration by the assessor, then the trustee or municipal collector shall refund to the owner that portion of the tax paid that resulted from the incorrect assessment. The owner must provide the assessor a listing of the destroyed, demolished, or substantially damaged personal property for which the proration is sought. This subsection (c) is effective retroactively to January 1, 2021, but does not take effect as to a particular county or municipality unless approved by two-thirds (2/3) vote of its governing body. This subsection (c) is deleted on December 31, 2022.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.