

HOUSE BILL NO. 1328

Introduced by

Representatives Cory, Bellew, Boschee, Dockter, Headland, Nathe

Senators Dever, Mathern

1 A BILL for an Act to amend and reenact sections 40-23-07 and 40-23.1-01 and subsection 12 of
2 section 57-02-01 of the North Dakota Century Code, relating to special assessment imposition
3 for mobile home park and single family residential property and the definition of residential
4 property for purposes of property tax assessment.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 40-23-07 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **40-23-07. Determination of special assessments by commission - Political**
9 **subdivisions not exempt.**

10 1. Whenever the commission makes any special assessment, the commission shall
11 determine the particular lots and parcels of land which, in the opinion of the
12 commission, will be especially benefited by the construction of the work for which the
13 assessment is to be made. The commission shall determine the amount in which each
14 of the lots and parcels of land will be especially benefited by the construction of the
15 work for which ~~such~~the special assessment is to be made, and shall assess against
16 each of ~~such~~the lots and parcels of land ~~such~~the sum, not exceeding the benefits, as
17 is necessary to pay its just proportion of the total cost of ~~such~~the work, or of the part
18 thereof which is to be paid by special assessment, including all expenses incurred in
19 making ~~such~~the assessment and publishing necessary notices with reference thereto
20 and the per diem of the commission. ~~However, as~~Property within designated as a
21 mobile home park may not be assessed at a greater rate than must be treated the
22 same as single family residential property in the district for purposes of determining
23 special assessments. A political subdivision may not apply a multiplying factor that
24 results in an effective special assessment impact greater than one hundred percent of

1 the effective special assessment impact on a residential single-family parcel of
2 equivalent size by square footage and equivalent characteristics as determined by
3 special assessment policy.

4 2. As an alternative to the procedure provided in ~~this section~~ subsection 1, the special
5 assessment commission may, in its discretion, determine and allocate the cost of
6 special assessments in accordance with the method provided for in chapter 40-23.1.

7 3. Property owned by a nonprofit entity and used exclusively as a cemetery is exempt
8 from collection of special assessments for benefits conferred under this title and the
9 city in which ~~such~~ the property is located shall provide for the payment of special
10 assessments, installments, and interest against ~~such~~ the property by the levy of taxes
11 according to law or by payment from other funds available to the city which are derived
12 from sources other than special assessments.

13 4. Benefited property belonging to counties, cities, school districts, park districts, and
14 townships is not exempt from ~~such~~ the assessment, and ~~such~~ the public corporations
15 whose property is so assessed shall provide for the payment of ~~such~~ the assessments,
16 installments thereof and interest thereon, by the levy of taxes according to law.

17 5. Nothing in this section may be deemed to amend other provisions of law with
18 reference to the levy of assessments on property sold for delinquent taxes.

19 **SECTION 2. AMENDMENT.** Section 40-23.1-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **40-23.1-01. Improvement district - All property to be assessed - Basis.**

22 All property included within the limits of a local improvement district ~~shall~~ must be
23 considered to be the property specially benefited by the local improvement and ~~shall~~ must be the
24 property to be assessed to pay the cost and expense thereof or ~~such~~ the part thereof as may be
25 chargeable against the property specially benefited. The cost and expense ~~shall~~ must be
26 assessed upon all the property in accordance with the special benefits conferred thereon in
27 proportion to area and distance back from the marginal line of the public way or area improved.

28 However, property within designated as a mobile home park may not be assessed at a greater
29 rate than must be treated the same as a single family residential property in the district under the
30 method provided in this chapter for purposes of determining special assessments. A political
31 subdivision may not apply a multiplying factor that results in an effective special assessment

1 impact greater than one hundred percent of the effective special assessment impact on a
2 residential single-family parcel of equivalent size by square footage and equivalent
3 characteristics as determined by special assessment policy.

4 **SECTION 3. AMENDMENT.** Subsection 12 of section 57-02-01 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 12. "Residential property" means all property, or portions of property, used by an individual
7 or group of individuals as a dwelling, including property upon which a mobile home ~~or~~
8 ~~mobile home park~~ is located ~~but not including. The term does not include hotel.~~

9 a. Hotel and motel accommodations required to be licensed under chapter 23-09
10 ~~nor~~ ~~structures;~~

11 b. Structures providing living accommodations for four or more separate family units
12 ~~nor any; or~~

13 c. Any tract of land upon which four or more mobile homes are located, except if the
14 tract of land is rented exclusively for residential use.

15 **SECTION 4. EFFECTIVE DATE.** Section 3 of this Act is effective for taxable years
16 beginning after December 31, ~~2022~~2023.