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Robert L. Cusack, Assistant County Attorney (563) 326-8231

November 26, 2019

Re: Women's Choice Center request for partial tax abatement

Mr. Byrne,

I have had the opportunity to review the information you sent to me regarding the Women's Choice Center's request for property tax exempt status. Platinum Quality Development, LLC, purchased the property on January 29, 2018. PLQD was not a tax exempt entity as contemplated by Chapter 427, therefore, the property lost its exempt status beginning on January 29, 2018. Women's Choice Center Building, LLC, ("Women's Choice"), which does qualify as a tax exempt entity, purchased the property on March 28, 2019. Women's Choice filed for property tax exemption pursuant to Iowa Code §427.1(8) on June 29, 2018.

The question presented is: what is the property's tax exempt status for tax year 2018? The 2018 tax year runs as follows:

1st installment is for the period from July 1, 2018 through December 31, 2018

2nd installment is for the period from January 1, 2019 through June 30, 2019

Iowa Code §427.1(14) requires an organization filing for exemption under §427.1(8) do so not later than February 1. Because Women's Choice did not file for the 2018 exemption prior to February 1, the request is not considered timely for the 1st installment of 2018. In prior cases with the same fact situation, the untimely filing was considered filed the following January. In this case, the request would then be considered filed on January 1, 2019. Because the 2nd installment for 2018 begins on January 1, 2019, Women's Choice is exempt for the 2nd installment of 2018.

Because of my prior opinion regarding Mt. Sinai's request, I believe further explanation is necessary in this case. In the Mt. Sinai opinion, I indicated the request was filed January 1, 2019. The request was actually filed in May, 2018, which, like the Women's Choice request, was untimely. I did consider the filing to be proper as of January 1, 2019. Again, that determination is in line with Women's Choice. I did state, "the current focus is on abatement for taxes that accrued during the time period when the Church actually filed for exemption." This was a poor choice of words. The word "actually" in the above sentence should be replaced with "timely".

But for Scott County General Policy 15, the 1st installment for 2018 for Women's Choice may have been abated pursuant to Iowa Code §427.3. That Code Section grants discretion to the Board to grant a request to abate taxes for a request filed after the February 1st deadline in the

year of purchase.¹ However, the Board has determined it will not exercise its discretion in this fashion. I am attaching a copy of Policy 15 for your review.

Conclusion:

Because the request for exemption was made after the February 1st deadline, Women's Choice is not exempt for the purposes of property taxation for the 1st installment of 2018. Because the request for exemption is considered to be proper as of January 1, 2019, Women's Choice is exempt from property taxation for the 2nd installment of 2018.

Rob Cusack
Assistant Scott County Attorney

¹ The Code Section would not have applied to Mt. Sinai as that property was purchased in 2015, not 2018.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
APPROVED BY THE BOARD OF SUPERVISORS ON

DATE

SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

December 12, 2019

APPROVING PARTIAL ABATEMENT OF PROPERTY TAXES FOR PROPERTY AT 2740 HAPPY JOES DRIVE, BETTENDORF, IA

WHEREAS, the Women's Choice Building LLC purchased property at 2740 Happy Joes Drive, in Bettendorf for use as a non-profit;

WHEREAS, the property was purchased on March 28, 2018 and the formal request for Iowa Property Tax Exemption pursuant to Iowa Code Section 427.1(8) was received by the County Assessor by February 1, 2019; and

WHEREAS, Iowa Code Section 427.19 permits the Board of Supervisors to abate taxes levied against the property within the year of the exemption was applied for.

NOW THEREFORE, BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. That upon determination by the County Assessor that the property located at 2740 Happy Joes Drive, Davenport, IA qualifies as exempt pursuant to applicable state law, that the 2nd installment of the 2018 property taxes are hereby abated.

Section 2. This resolution shall take effect immediately.