

CAUV PROGRAM REGULATIONS

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STATE REGULATIONS

The Regulations for the Current Agricultural Use Valuation (CAUV) Program are found in the Ohio Revised Code, sections 5713.30 through 5713.99. The following is a summary of the regulations found within.

- A. Land to be placed in the CAUV program must be "Land devoted exclusively to agricultural use". This land is:
 - 1. Land totaling 10 acres or more, or land totaling less than 10 acres but with an average yearly gross income of \$2,500 or more.
 - 2. Land used for commercial animal or poultry husbandry, aquaculture, apiculture, production of timber for commercial purposes, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, flowers, timber grown for noncommercial purposes that adjoins another parcel or part of a parcel that qualifies as devoted exclusively to agriculture, or land that qualified for payments or other compensation under a land retirement or conservation program through agreement with an agency of the federal government.
 - 3. Land that has been used as agricultural land for three years preceding the current year. This land may have lain idle or fallow for up to one year, so long as no action has been taken that prevents its return to agricultural production.
- B. Land does not qualify as devoted exclusively to agriculture if:
 - 1. It qualifies as Forest Land under ORC sections 5713.22 through 5713.26. (That is, land that is certified as Forest Lands by the State of Ohio, Department of Natural Resources, Division of Forestry.)
 - 2. It is used agriculturally for non-commercial purposes (that is, livestock or crops raised solely for the owner's use).
 - 3. It is used solely for hunting and/or recreation purposes.
- C. The owner of agricultural land can file an application for the CAUV program any time after the first Monday in January, but prior to the first Monday in March. This initial application must be submitted along with a \$25.00 application fee.
 - 1. After receipt of the application and fee, the County Auditor will determine whether the application is correct and the information complete. Any incorrect or incomplete application will be returned with an explanation of the reason. The applicant has fifteen (15) days to file an amended application.
 - 2. Upon acceptance of a completed application, the land described on the application will be inspected before the first Monday in August to verify agricultural use. The County Auditor will notify owners of land that fails to qualify as agricultural land by certified mail before the first Monday in October.
- D. Land that does qualify as agricultural land will be entered into the property records as such for the upcoming tax year. This land will be valued at its soil value as determined by the Ohio Department of Taxation, rather than on its market value. This will result in a yearly tax savings for the land owner.
- E. After acceptance of land into the CAUV program, a renewal application must be filed yearly. This renewal is typically a one-page form. This renewal must be filed on or before the first

Monday in March of that year. Anyone who fails to file by the deadline will receive a certified notice and will be given until the first Monday in April to file a renewal.

- F. Upon transfer of any parcel or part of a parcel of land in the CAUV program to a new owner, the new owner must file a new application for CAUV in the year immediately following the transfer the year in which the transfer takes place. The owner will receive notice from the County Auditor of the need to file an application. The application can be filed any time following the first Monday in January and prior to the first Monday in March. Anyone who fails to file by the deadline will receive a certified notice and will be given until the first Monday in April file a renewal.
- G. Land may be converted from agricultural use, that is, removed from the CAUV program, for any of the following reasons:
 - 1. Failure of the owner to file a renewal application without good cause.
 - 2. Failure of a new owner to file a new application without good cause.
 - 3. Failure of land to qualify as land devoted exclusively to agricultural use.
 - 4. Failure of the land owner to return fallow or idle land to agricultural production.
 - 5. Request by land owner to be removed from the program.
- H. Land that is removed from the CAUV program shall be billed a recoupment charge equal to the amount of taxes saved during the previous three years. This charge will be billed in January of the following year as a one-time charge of the full savings, payable in halves. This charge will remain in effect until paid and will accrue penalties and interest as provided by law if it is unpaid.
- I. A property owner who is removed from the CAUV program and charged a recoupment may file a complaint with the County Board of Revision if:
 - 1. the owner was removed for failure to renew and can show good cause of why a renewal was not filed.
 - 2. a new owner was removed for failure to file a new application and can show good cause of why a new application was not filed.
 - 3. an owner of property removed for failure to qualify as agricultural land can prove that the land does qualify as land devoted exclusively to agricultural use.

If the Board of Revision determines that the property owner has proven one of these cases, then the Board can return the property in question to the CAUV program for the current tax year, reduce the land value back to its agricultural value, and remit the three-year recoupment charge. If the Board determines that the owner has not proven one of these cases, then the recoupment charge will stand. The decision of the Board is subject to appeal to the Board of Tax Appeals of the State of Ohio, or to the County Court of Commons Pleas, as allowable by law.

- J. Falsification of any information on a CAUV application is prohibited and is punishable by law as a first-degree misdemeanor.

CARROLL COUNTY REGULATIONS

In addition to the regulations found in the Ohio Revised Code, the following additional policies apply in Carroll County:

- A. Any land subject to a new application for CAUV will be inspected to ensure that the property is in compliance with CAUV regulations. To be in compliance, land must be actively farmed, or actively be following a forest management plan or permitted conservation practices. CAUV applicants will be notified in writing of any outcome of a visual inspection that may cause the property to fail to qualify, and will be informed of what action, if any, can be taken to correct the problem.
- B. Land which is used solely for the production of commercial timber, which does not adjoin another parcel of land used for another qualifying agricultural purpose, or which contains less than 10 acres of land used for another qualifying purpose, will be subject to development of a forest management plan. This plan can be developed by any approved Consulting Forester for the State of Ohio. (A list of certified Service Foresters is available on the ODNR website.) A copy of the plan must be filed with the County Auditor. If the property has never been enrolled in the CAUV program before, then the plan must be followed for three years before an application can be filed, to meet the requirements of A(3) of the state regulations above. Once the plan is active, the owner may apply for the OFTL plan. After 3 years, the owner has the option to apply for CAUV, and our office will notify ODNR that the parcel(s) are transferring to CAUV and need to be removed from OFTL.
- C. All land already in the CAUV program may also be periodically inspected for compliance with CAUV regulations. The inspection will be made by an employee of the Carroll SWCD. The owner of any land found to be out of compliance with CAUV regulations will be notified of the finding in writing.
- D. In the case of land totaling less than ten (10) acres, the Auditor's Office is permitted by law to request proof that said land has a yearly gross income that is \$2,500 or above. Submitting a Schedule F from the most recent tax filing is acceptable.
- E. Any land not currently qualified for CAUV that transfers to a new owner that has contiguous qualifying parcels will have to be owned for 3 years before that parcel can be applied for CAUV.
- F. Any land transferred to a new owner must have a new application for CAUV filed in accordance with state law; however, if proof is provided, the \$25 fee will be waived in the case of:
 - a. land transferred to a surviving spouse when the property was formerly held in joint survivorship.
 - b. land transferred when a Transfer On Death has been enacted.
 - c. land transferred between businesses where the owner of both is actually the same.
 - d. land transferred to or from a trust where the trustees are the same as the owners.
- G. When land in the CAUV program is transferred, DTE Form 102 must be filed with the County Auditor at the time of transfer. The transfer will not be done without this form. We recommend this form be signed by the buyer. This form is to be completed as affirmation that the buyer has been made aware that:
 - a. the property being purchased is in the CAUV program.

- b. the buyer will have to file a new application for the CAUV program.
- c. failure to file a new application will result in the buyer being charged a recoupment.

The buyer also attests by this form that payment of any recoupment charges has been discussed and resolved satisfactorily by the buyer and the seller.

- H. A renewal application will be mailed from the Auditor's office in January of each year and must be returned completely filled out on or before the first Monday in March. There is no fee to file the renewal. If the renewal application is not returned, the Auditor is required to value the property at its market value and to recoup the tax savings for the past 3 years.
- I. In the case a parcel of property that has been transferred to a new owner, approximation or estimation of prior years' usage as requested on the CAUV application will not be deemed as falsification of information.
- J. Failure to understand the consequences of not filing a renewal or new application as required by law will not prevent a property owner from being charged a recoupment.