

HOUSE BILL NO. HB0180

Property tax deferrals.

Sponsored by: Representative(s) Yin, Harshman, Schwartz and
Sweeney

A BILL

for

1 AN ACT relating to ad valorem taxation; providing for a
2 process to defer payment of property taxes as specified;
3 providing for rulemaking; and providing for an effective
4 date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 39-13-107(b) by creating a new
9 paragraph (iv) is amended to read:

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11 **39-13-107. Compliance; collection procedures.**

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13 (b) The following provisions shall apply to the
14 payment of taxes, distraint of property and deferral:

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1 (iv) The following shall apply to the deferral
2 of tax collection:

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4 (A) On or before November 10 of the year
5 taxes are levied and upon the filing of an affidavit
6 demonstrating an adequate showing that the person is
7 qualified under subparagraph (B) of this paragraph, any
8 person may apply to the board of county commissioners for
9 deferral of the collection of any real estate ad valorem
10 taxes owed by the property owner on the owner's principal
11 residence or commercial property in accordance with this
12 paragraph;

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14 (B) A person may apply to defer collection
15 of property taxes if:

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17 (I) The taxable value of property
18 increased by more than fifty percent (50%) compared to the
19 prior tax year; and

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21 (II) The increase is not attributable
22 to changes, additions, reductions or improvements to the
23 property made in the prior year.

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(C) Taxes may be deferred each year for four (4) tax years under the following schedule:

(I) The first tax year, calculate the difference between the taxes due for the first tax year minus the taxes due for the prior tax year. That difference times eight-tenths (0.8) equals the amount of taxes for the first tax year that may be deferred that tax year;

(II) The second tax year, calculate the difference between the taxes due for the second tax year minus the taxes due for the tax year prior to the first tax year. That difference times six-tenths (0.6) equals the amount of taxes for the second tax year that may be deferred that tax year;

(III) The third tax year, calculate the difference between the taxes due for the third tax year minus the taxes due for the tax year prior to the first tax year. That difference times four-tenths (0.4) equals the amount of taxes for the third tax year that may be deferred that tax year; and

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(IV) The fourth tax year, calculate the difference between the taxes due for the fourth tax year minus the taxes due for the tax year prior to the first tax year. That difference times two-tenths (0.2) equals the amount of taxes for the fourth tax year that may be deferred that tax year.

(D) To pay the deferred taxes, the person shall pay ten percent (10%) of the total deferred amount under subparagraph (C) of this paragraph each year for ten (10) tax years, in equal installments starting in the sixth tax year and ending in the fifteenth tax year;

(E) The board of county commissioners of each county shall promulgate rules and regulations necessary to administer the provisions of this paragraph. All rules, regulations, guidelines, forms and other program information shall be submitted to the department prior to July 1, 2022;

(F) Any deferral of collection of taxes granted by the board of county commissioners shall

1 constitute a perpetual tax lien against the property
2 pursuant to W.S. 39-13-108(d)(i) with priority over any
3 other lien;

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5 (G) Nothing in this paragraph shall be
6 construed to prohibit or affect requirements for property
7 to be listed, valued and assessed by the county assessor
8 pursuant to law;

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10 (H) Notwithstanding W.S. 39-13-108(b)(ii),
11 interest shall not accrue on any tax collection deferral
12 granted by the board of county commissioners;

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14 (J) Payment of deferred taxes shall be
15 distributed pursuant to W.S. 39-13-111(a)(ii). Any taxes
16 deferred under this paragraph which would be distributed
17 pursuant to W.S. 39-13-111(a)(ii)(A) shall be paid from the
18 county general fund subject to reimbursement when the
19 deferred taxes are paid by the taxpayer or otherwise
20 collected by the county;

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22 (K) If any property is under mortgage, deed
23 of trust or purchase contract whereby the explicit terms of

1 the mortgage, deed or contract requires the accumulation of
2 reserves out of which the holder of the mortgage, deed or
3 contract is required to pay real property taxes, the holder
4 or his authorized agent shall cosign the affidavit to defer
5 either before a notarial officer or the county assessor or
6 deputy in the county in which the real property is located;

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8 (M) If any property is under rental and the
9 terms of the rental contract require the payment of taxes
10 by the renter, the renter may apply for the deferral
11 provided the property owner or authorized agent also
12 cosigns the affidavit to defer either before a notarial
13 officer or the county assessor or deputy in the county in
14 which the real property is located;

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16 (N) Consistent with generally accepted
17 fiscal accounting standards, each county shall maintain
18 adequate records pertaining to the deferral program, by
19 legal description, owner, taxpayer, if different from
20 owner, deferred taxes, payments made against deferred
21 taxes, and any other information necessary to document and
22 determine the status of deferred taxes in the county. These
23 records shall be updated annually or as needed, and a

1 summary thereof shall be submitted annually to the
2 department of revenue on or before August 10;

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4 (0) No person shall defer taxes under this
5 paragraph and paragraph (iii) of this subsection for taxes
6 due in the same tax year.

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8 **Section 2.** This act is effective January 1, 2022.

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(END)