

HOUSE BILL NO. HB0037

Senior citizen property tax relief program.

Sponsored by: Representative(s) Hammons, Bagby, Dockstader, Madden and Martin and Senator(s) Aullman, Geis and Vasey

A BILL

for

1 AN ACT relating to taxation and revenue; providing for a
2 property tax exemption for senior citizens as specified;
3 providing administration and procedures; providing
4 definitions; providing an appropriation; providing for
5 applicability; requiring a report; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 39-13.1-101 through 39-13.1-108 are
11 created to read:

12

13

CHAPTER 13.1

14

PROPERTY TAX EXEMPTION FOR QUALIFYING SENIORS

15

16

39-13.1-101. Definitions.

1

2 (a) As used in this chapter, unless the context
3 otherwise requires:

4

5 (i) "Exemption" means the property tax
6 exemptions for qualifying seniors provided by W.S.
7 39-13.1-102;

8

9 (ii) "Owner-occupier" means an individual who:

10

11 (A) Is an owner of record of residential
12 real property that he occupies as his primary residence;

13

14 (B) Is not an owner of record of the
15 residential real property that he occupies as his primary
16 residence, but is:

17

18 (I) The spouse of an individual who is
19 an owner of record of the residential real property and who
20 also occupies the residential real property as his primary
21 residence; or

22

23 (II) The surviving spouse of an
24 individual who was an owner of record of the residential

1 real property and who occupied the residential real
2 property with the surviving spouse as his primary residence
3 until his death.

4

5 (C) Is not an owner of record of the
6 residential real property that he occupies as his primary
7 residence, only because the property has been purchased by
8 or transferred to a trust or any other legal entity solely
9 for estate planning purposes and the individual is the
10 maker of the trust or a principal of the corporate
11 partnership or other legal entity;

12

13 (D) Occupies residential real property as
14 his primary residence, and is the spouse of a person who
15 also occupies the residential real property, who is not the
16 owner of record of the property only because the property
17 has been purchased by or transferred to a trust, a
18 corporate partnership or any other legal entity solely for
19 estate planning purposes, and who is the maker of the trust
20 or a principal of the corporate partnership or other legal
21 entity; or

22

23 (E) Occupies residential real property as
24 his primary residence, and is the surviving spouse of a

1 person who occupied the residential real property with the
2 surviving spouse until his death, who was not the owner of
3 record of the property at the time of his death only
4 because the property had been purchased by or transferred
5 to a trust, a corporate partnership or any other legal
6 entity solely for estate planning purposes prior to his
7 death, and who was the maker of the trust or a principal of
8 the corporate partnership or other legal entity prior to
9 his death.

10

11 (iii) "Owner-occupier" shall also include any
12 individual who, but for the confinement of the individual
13 to a hospital, nursing home or assisted living facility,
14 would occupy residential real property as his primary
15 residence and would meet one (1) or more of the ownership
16 criteria specified in paragraph (ii) of this subsection, if
17 the residential real property:

18

19 (A) Is temporarily unoccupied; or

20

21 (B) Is occupied by the spouse or a
22 financial dependent of the individual.

23

1 (iv) "Owner of record" means an individual whose
2 name appears on a valid recorded deed to residential real
3 property as an owner of the property;

4
5 (v) "Surviving spouse" means an individual who
6 was legally married to an owner-occupier who previously
7 qualified for a tax exemption under W.S. 39-13.1-102 at the
8 time of his death and who has not remarried.

9

10 **39-13.1-102. Property tax exemption; qualifications.**

11

12 (a) For property tax years commencing on or after
13 January 1, 2010, fifty percent (50%) of the first two
14 hundred thousand dollars (\$200,000.00) of fair market value
15 of residential real property that as of the assessment date
16 is owner-occupied and is used as the primary residence of
17 the owner-occupier shall be exempt from taxation if:

18

19 (i) The owner-occupier or the spouse of the
20 owner-occupier is sixty-five (65) years of age or older as
21 of the assessment date, and the owner-occupier has owned
22 and occupied the residential real property as his primary
23 residence for the ten (10) years preceding the assessment
24 date; or the owner-occupier is the surviving spouse of an

1 owner-occupier who previously qualified for a property tax
2 exemption for the same residential real property under this
3 paragraph; and

4
5 (ii) The owner-occupier has completed and filed
6 an exemption application in the manner required by W.S.
7 39-13.1-104 and the circumstances that qualify the property
8 for the exemption have not changed since the filing of the
9 application. Under no circumstances shall an exemption be
10 allowed for property taxes assessed during any property tax
11 year prior to the year in which an owner-occupier first
12 files an exemption application.

13
14 (b) An owner-occupier who owns and occupies a
15 dwelling unit in a common interest community as his primary
16 residence, or who owns residential real property consisting
17 of multiple-dwelling units and occupies one (1) of the
18 dwelling units as his primary residence, shall be allowed
19 an exemption only with respect to the dwelling unit that
20 the individual occupies as his primary residence.

21
22 (c) Not more than one (1) exemption per property tax
23 year shall be allowed for a single dwelling unit of
24 residential real property, regardless of how many owner-

1 occupiers use the dwelling unit as their primary residence
2 or whether one (1) or more owner-occupiers qualify for
3 exemptions under subsection (a) of this section. The full
4 amount of the exemption allowed by subsection (a) of this
5 section shall be allowed with respect to any single
6 dwelling unit of residential real property so long as any
7 owner-occupier of the dwelling unit satisfies the
8 requirements of subsection (a) of this section, and the
9 fact that any other person who does not satisfy the
10 requirements is also an owner of record of the dwelling
11 unit shall not affect the amount of the exemption.

12

13 (d) For purposes of this chapter, two (2) individuals
14 who are legally married but who own more than one (1) piece
15 of residential real property shall be deemed to occupy the
16 same primary residence and may claim not more than one (1)
17 exemption.

18

19 (e) Notwithstanding the ten (10) year occupancy
20 requirement set forth in subsection (a) of this section, an
21 owner-occupier who has not actually owned and occupied
22 residential real property for which the owner-occupier has
23 claimed an exemption under subsection (a) of this section
24 for the ten (10) years preceding the assessment date shall

1 be deemed to have met the ten (10) year requirement and
2 shall be allowed an exemption under subsection (a) of this
3 section with respect to the property if:

4

5 (i) The owner-occupier would have qualified for
6 the exemption with respect to other residential real
7 property that the owner-occupier owned and occupied as his
8 primary residence before moving to the residential real
9 property for which an exemption is claimed but for the fact
10 that the other property was condemned by a governmental
11 entity through an eminent domain proceeding; and

12

13 (ii) The owner-occupier has not owned and
14 occupied residential property as his primary residence
15 other than the residential real property for which an
16 exemption is claimed since the condemnation occurred.

17

18 (f) An owner-occupier who claims an exemption with
19 respect to residential real property that he has not
20 actually owned and occupied as his primary residence for
21 the ten (10) years preceding the assessment date as
22 provided by subsection (e) of this section shall provide to
23 the assessor with whom the owner-occupier files the
24 exemption application any information that the assessor may

1 reasonably require to verify that the owner-occupier is
2 entitled to an exemption.

3

4 **39-13.1-103. Notice of property tax exemption.**

5

6 No later than January 1, 2010, and no later than the fourth
7 Monday in April thereafter, each assessor shall mail to
8 each residential real property address in the assessor's
9 county notice of the exemption allowed by W.S. 39-13.1-103.
10 The notice shall include a statement of the eligibility
11 criteria for the exemptions and instructions for obtaining
12 an exemption application. To reduce mailing costs, an
13 assessor may coordinate with the treasurer of the same
14 county to include notice with the tax statement for the
15 previous property tax year or may include notice with the
16 notice of valuation.

17

18 **39-13.1-104. Exemption applications; penalty for**
19 **providing false information; confidentiality.**

20

21 (a) To claim the exemption allowed by W.S.
22 39-13.1-102, an individual shall file with the assessor a
23 completed exemption application no later than March 1 of
24 the first property tax year for which the exemption is

1 claimed. An application returned by mail shall be deemed
2 filed on the date it is postmarked.

3

4 (b) An exemption application shall require an
5 applicant to provide the following information:

6

7 (i) The applicant's name, mailing address and
8 date of birth, and the name and date of birth of the
9 applicant's spouse if the applicant is not sixty-five (65)
10 years of age as of the assessment date;

11

12 (ii) The address and parcel number of the
13 residential real property for which an exemption is
14 claimed;

15

16 (iii) The name of each individual who occupies
17 as his primary residence the residential real property for
18 which an exemption is claimed;

19

20 (iv) If a trust is the owner of record of the
21 residential real property for which an exemption is
22 claimed, the names of the maker of the trust, the trustee,
23 the beneficiaries of the trust and a statement the trust
24 was created solely for estate planning purposes;

1

2 (v) If a corporate partnership or other legal
3 entity is the owner of record of the residential real
4 property for which an exemption is claimed, the names of
5 the principals of the corporate partnership or other legal
6 entity, and a statement the legal entity was created solely
7 for estate planning purposes;

8

9 (vi) An affirmation by the applicant and
10 applicant's spouse, if any, that the applicant and spouse
11 believe, under penalty of perjury as defined in W.S.
12 6-5-303(b), that all information provided by the applicant
13 is correct, and that neither the applicant nor the spouse
14 of the applicant, if any, nor any entity formed by either
15 of them for estate planning purposes as provided in W.S.
16 39-13.1-101(a)(ii)(C) through (E) claims any other primary
17 residence;

18

19 (vii) The exemption application shall also
20 contain a statement that an applicant, or in the case of
21 residential real property for which the owner of record is
22 a trust, the trustee, has a legal obligation to inform the
23 assessor within sixty (60) days of any change in the
24 ownership or occupancy of residential real property for

1 which an exemption has been applied for or allowed that
2 would prevent an exemption from being allowed for the
3 property; and

4

5 (viii) Any other information that the assessor
6 may reasonably require as necessary for the proper and
7 efficient administration of the exemption.

8

9 (c) In addition to any penalties prescribed by law
10 for perjury as defined in W.S. 6-5-303(b), an applicant or
11 applicant's spouse who knowingly provides false information
12 on an exemption application or files more than one (1)
13 exemption application in any property tax year:

14

15 (i) Shall not be entitled to an exemption;

16

17 (ii) Shall be required to pay to the treasurer
18 of any county in which an exemption was improperly allowed
19 due to the provision by the applicant of false information
20 or the filing by the applicant of more than one (1)
21 exemption application, an amount equal to the amount of
22 property taxes not paid as a result of the exemption being
23 improperly allowed.

24

1 (d) If an applicant, applicant's spouse or a trustee
2 fails to inform the assessor within sixty (60) days of any
3 change in the ownership or occupancy of residential real
4 property for which an exemption has been applied for or
5 allowed that would prevent an exemption from being allowed
6 for the property as required by paragraph (b)(viii) of this
7 section:

8

9 (i) An exemption shall not be allowed with
10 respect to the residential real property; and

11

12 (ii) The applicant, applicant's spouse or
13 trustee shall be required to pay, to the treasurer of any
14 county in which an exemption was improperly allowed due to
15 the failure to immediately inform the assessor of any
16 change in the ownership or occupancy of residential real
17 property, an amount equal to the amount of property taxes
18 not paid as a result of the exemption being improperly
19 allowed plus interest. Interest shall be calculated at the
20 annual rate calculated pursuant to W.S. 39-13-108(b)(ii)
21 from the date on which the change in the ownership or
22 occupancy occurred until the date the applicant makes the
23 payment required by this subparagraph.

24

1 (e) Any amount required to be paid to a treasurer
2 pursuant to subsection (c) or (d) of this section shall be
3 deemed part of the lien of general taxes imposed on the
4 person required to pay the amount and shall have the
5 priority specified in W.S. 39-13-108(d)(i).

6
7 (f) Neither an assessor nor a county treasurer shall
8 give any other person any listing of individuals who have
9 applied for an exemption or any other information that
10 would enable a person to easily assemble a mailing list of
11 individuals who have applied for an exemption.

12
13 **39-13.1-105. Notice to individuals returning**
14 **incomplete or nonqualifying exemption applications; denial**
15 **of exemption; administrative remedies.**

16
17 (a) Except as otherwise provided in subsection (d) of
18 this section, an assessor shall only grant the exemption
19 allowed to qualifying seniors under W.S. 39-13.1-102 to an
20 applicant who has timely returned an exemption application
21 in accordance with W.S. 39-13.1-104 that establishes that
22 the applicant is entitled to the exemption.

23

1 (b) If the information provided on or with an
2 application for the exemption allowed to qualifying seniors
3 under W.S. 39-13.1-102 indicates that the applicant is not
4 entitled to the exemption, or is insufficient to allow the
5 assessor to determine whether or not the applicant is
6 entitled to the exemption, the assessor shall deny the
7 application and mail to the applicant a statement providing
8 the reasons for the denial and informing the applicant of
9 the applicant's right to contest the denial pursuant to
10 subsection (c) of this section. The assessor shall mail the
11 statement no later than April 1 of the property tax year
12 for which the exemption application was filed.

13

14 (c) An applicant whose exemption application has been
15 denied pursuant to subsection (b) of this section may
16 contest the denial by requesting a hearing before the
17 county commissioners sitting as the county board of
18 equalization for the property tax year for which the
19 exemption application was filed.

20

21 (d) An owner-occupier who wishes to claim the
22 exemption for qualifying seniors provided by W.S.
23 39-13.1-102, but who has not timely filed an exemption
24 application with the assessor, may request that the

1 assessor waive the application deadline and allow the
2 individual to file a late exemption application no later
3 than April 1 immediately following the original application
4 deadline. The assessor may accept an application if, in the
5 assessor's sole discretion, the applicant shows good cause
6 for not timely filing an application. The assessor shall
7 grant an exemption if an accepted late application
8 establishes that the applicant is entitled to the
9 exemption. A decision of an assessor to allow or disallow
10 the filing of a late application or to grant or deny an
11 exemption to an applicant who has filed a late application
12 is final, and an applicant who is denied late filing or an
13 exemption may not contest the denial.

14

15 **39-13.1-106. Reporting of exemptions; reimbursement**
16 **to local governmental entities.**

17

18 On or before September 1, county assessors shall certify
19 the exemptions granted pursuant to W.S. 39-13.1-102 to the
20 department of revenue. On or before October 1 the state
21 treasurer out of funds appropriated for that purpose shall
22 reimburse each county treasurer for the amount of taxes
23 which would have been collected if the property was not
24 exempt. The county treasurer shall distribute the revenue

1 to each governmental entity in the actual amount of taxes
2 lost due to the exemption.

3

4 **39-13.1-107. Auditing of property tax exemption**
5 **program.**

6

7 The department of audit shall periodically audit the
8 property tax exemption program to ensure that the program
9 is operating in compliance with chapter 15, section 21 of
10 the Wyoming constitution and this chapter. In connection
11 with an audit, the department of audit may suggest means of
12 improving the administration of the program. Upon request,
13 an assessor, a county treasurer or the state treasurer
14 shall provide the department of audit with any exemption
15 applications, reports or other documents relevant to the
16 administration of the program.

17

18 **39-13.1-108. Department of revenue responsibility.**

19

20 Pursuant to the statutory responsibilities set forth in
21 W.S. 39-11-102(c)(xv) and 39-13-103(b)(ii), the department
22 shall facilitate the implementation of this chapter by
23 providing any necessary adaptations to computer assisted
24 mass appraisals systems which the county assessors employ.

1 Those adaptations shall include but not be limited to those
2 necessary to identify claimants of the exemption, calculate
3 fair market value with and without the exemption and enable
4 the assessors to certify exemptions to the department for
5 timely reimbursement by the state treasurer.

6

7 **Section 2.**

8

9 (a) There is appropriated from the general fund to
10 the state treasurer fifteen million five hundred thousand
11 dollars (\$15,500,000.00), or so much thereof as necessary
12 for the purposes of this act. Funds appropriated under
13 this section shall not lapse or revert until June 30, 2011.

14

15 (b) It is the intent of the legislature that no local
16 government shall incur any loss of property tax revenue
17 under this act. The department of revenue shall report to
18 the governor, the joint revenue interim committee and the
19 joint appropriations interim committee not later than
20 October 15, 2011, the amount of funds reimbursed to
21 counties under this act and the amount of funds anticipated
22 to be required for reimbursement in the 2011 tax year. The
23 governor shall include in his state budget submitted under
24 W.S. 9-2-1013 for the 2011 legislative session and

1 thereafter a recommendation for any additional
2 appropriation necessary to fully reimburse local
3 governments for the full exemption provided by this act.

4

5 **Section 3.** This act is effective January 1, 2010 but
6 only if the electors adopt a constitutional amendment prior
7 to December 31, 2009 authorizing a homeowner's property tax
8 exemption for senior citizens.

9

10

(END)