

HOUSE BILL NO. HB0069

Abandoned buildings.

Sponsored by: Representative(s) Byrd, Berger, Pelkey and Throne and Senator(s) Driskill and Esquibel, F.

A BILL

for

1 AN ACT relating to downtown development; providing for the
2 assessment of a fee on abandoned, deteriorated or unsafe
3 structures as specified; providing exceptions; providing
4 for collection of the fee; specifying that the fee is a
5 lien on the property; and providing for an effective date.

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

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9 **Section 1.** W.S. 15-9-209(a) by creating a new
10 paragraph (xi), 39-13-107(b)(i)(C) and 39-13-108(d)(i) are
11 amended to read:

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13 **15-9-209. Additional powers of authority; sale or**
14 **letting of property at fair value.**

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1 (a) In addition to the other powers granted by this
2 article, the authority shall have all powers, except as
3 limited in the ordinance or any amendments thereto
4 establishing the authority, necessary to carry out and
5 effectuate the purposes and provisions of this article,
6 including but not limited to the following powers:

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8 (xi) Not more than one (1) time each year,
9 assess a fee on any nonresidential structure in the
10 development area that the authority determines is
11 abandoned, deteriorated or unsafe. The fee shall only be
12 assessed subject to the following provisions:

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14 (A) The fee shall be an amount as
15 determined by the authority not to exceed fifty percent
16 (50%) of the tax due on the property in the immediate
17 preceding year;

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19 (B) The authority shall report any fee to
20 be assessed under this paragraph to the county treasurer
21 not later than September 15 of each year. The county
22 treasurer shall include the fee in the written statement to
23 the taxpayer as provided in W.S. 39-13-107(b) (i) (C);

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(C) The authority shall not collect a fee assessed under this paragraph if one (1) or more of the following applies to the structure:

(I) The structure is scheduled for demolition or a major renovation project within six (6) months of the assessment of the fee;

(II) The owner of the property submits a plan to the authority for renovation of the structure or property and the authority determines that the plan is reasonable;

(III) The structure or property is being offered for sale or lease at a price which is not unreasonable considering the fair market value of the property.

(D) Any fee collected by an authority under this paragraph shall be kept in a separate fund and expended only to carry out the purposes and provisions of this article.

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2 **39-13-107. Compliance; collection procedures.**

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

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7 (i) The following shall apply to the payment of
8 taxes due:

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10 (C) Annually, on or before October 10 the
11 county treasurer shall send a written statement in sealed
12 envelopes of total tax due, including any fees assessed
13 under W.S. 15-9-209(a)(xi), itemized as to property
14 description, assessed value and mill levies, to each
15 taxpayer at his last known address. The notice shall
16 contain information, including contact information, of any
17 property tax relief program authorized by state law.
18 Failure to send notice, or to demand payment of taxes, does
19 not invalidate any taxes due;

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21 **39-13-108. Enforcement.**

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23 (d) Liens. The following shall apply:

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(i) Taxes upon real property and any fees assessed under W.S. 15-9-209(a)(xi) are a perpetual lien thereon against all persons excluding the United States and the state of Wyoming. Taxes upon personal property are a lien upon all real property owned by the person against whom the tax was assessed subject to all prior existing valid liens. Taxes upon personal property are a lien upon the personal property until paid but if the personal property is transferred before payment the tax shall be collected from other real or personal property of the transferor but if the transferor has no other property from which the taxes can be collected then payment shall be enforced from the transferred property;

Section 2. This act is effective July 1, 2015.

(END)