

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1804

By: Anderson

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5  
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68  
8 O.S. 2011, Sections 2888, 2889, 2891 and 2892, which  
9 relate to property tax; broadening applicability of  
10 limit to homestead exemption; providing exception to  
11 allowance of homestead exemption under specified  
12 circumstances; requiring certain form to contain  
13 signed statement; providing additional requirement  
14 for homestead exemption to remain in force; and  
15 providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2888, is  
18 amended to read as follows:

19 Section 2888. A. 1. The term "homestead", as used in the  
20 provisions of the Ad Valorem Tax Code governing homestead  
21 exemptions, shall mean and include the actual residence of a natural  
22 person who is a citizen of the State of Oklahoma, provided the  
23 record actual ownership of such residence be vested in such natural  
24 person residing and domiciled thereon. Any single person of legal  
age, married couple and their minor child or children, or the minor  
child or children of a deceased person, whether residing together or

1 separated, or surviving spouse shall be allowed under Section 2801  
2 et seq. of this title only one homestead exemption in this state and  
3 in any other states. No person or the family of such person shall  
4 be required to be domiciled thereon if such person is in the armed  
5 service of the United States in time of war or during a state of  
6 national emergency as declared by the Congress or the President of  
7 the United States, and such person shall not be required to be  
8 domiciled thereon in order to assert or claim the exemption provided  
9 in Section 2889 of this title, and such exemption may be claimed by  
10 any agent of, or member of the family of, such person. The  
11 surviving spouse and/or minor children of a deceased person shall be  
12 considered record owners of the homestead where the title of record  
13 in the office of the county clerk on January 1 is in the name of the  
14 deceased, but in all other cases the deed or other evidence of  
15 ownership must be of record in the office of the county clerk on  
16 January 1 in order for any person to be qualified as the record  
17 owner. However, a natural person actually owning, residing and  
18 domiciled in the residence on January 1 shall be deemed to be the  
19 record owner of the residence on January 1, within the meaning of  
20 this section, if the deed or other evidence of ownership of such  
21 person, executed on or before January 1, be of record in the office  
22 of the county clerk on or before February 1 immediately following.  
23 Despite any provision to the contrary in this section, if a parent  
24 or parents residing and domiciled in the residence own the residence

1 jointly with one or more of their children, whether residing  
2 together or separated, and where the record joint ownership of the  
3 property is recorded in the office of the county clerk in accordance  
4 with the provisions of this section, the parent or parents residing  
5 and domiciled in the residence shall be entitled to the entire  
6 homestead exemption. A rural homestead shall not include more than  
7 one hundred sixty (160) acres of land and the improvements thereon.  
8 An urban homestead shall not include any land except the lot or  
9 lots, or the unplatted tract, upon which are located the dwelling,  
10 garage, barn and/or other outbuildings necessary or convenient for  
11 family use.

12 2. Despite any provision to the contrary in this section, the  
13 person actually owning, residing and domiciled in the residence on  
14 May 15, 2000, shall be deemed to be the record owner of the residence  
15 on May 15, 2000, within the meaning of this section, if the deed or  
16 other evidence of ownership of such person, executed on or before May  
17 15, 2000, be of record in the office of the county clerk on or before  
18 such date. However, the provisions of this paragraph shall only  
19 apply to any person who is eligible to claim the income tax credit  
20 pursuant to Section 2357.29 of this title with respect to the May 3,  
21 1999, tornado, or to any person whose primary residence was damaged  
22 or destroyed in the May 3, 1999, tornado and who purchased or built a  
23 new primary residence at a location within this state other than the  
24 location of the damaged or destroyed residence.

1           3. Despite any provision to the contrary in this section, the  
2 person actually owning, residing and domiciled in the residence on  
3 May 15, 2004, shall be deemed to be the record owner of the residence  
4 on May 15, 2004, within the meaning of this section, if the deed or  
5 other evidence of ownership of such person, executed on or before May  
6 15, 2004, be of record in the office of the county clerk on or before  
7 such date. However, the provisions of this paragraph shall only  
8 apply to any person who is eligible to claim the income tax credit  
9 pursuant to Section 2357.29 of this title with respect to the May 8  
10 or 9, 2003, tornado or to any person whose primary residence was  
11 damaged or destroyed in the May 8 or 9, 2003, tornado and who  
12 purchased or built a new primary residence at a location within this  
13 state other than the location of the damaged or destroyed residence.

14           B. The term "rural homestead" as used herein shall mean and  
15 include any homestead located outside a city or town or outside any  
16 platted subdivision or addition.

17           C. The term "urban homestead" as used herein shall mean and  
18 include any homestead located within any city or town whether  
19 incorporated or unincorporated, or located within a platted  
20 subdivision or addition, whether such subdivision or addition be a  
21 part of a city or town. In no case shall an urban homestead exceed  
22 in area one (1) acre.

23           SECTION 2.           AMENDATORY           68 O.S. 2011, Section 2889, is  
24 amended to read as follows:

1 Section 2889. Homesteads, as defined in Section 2888 of this  
2 title, are hereby classified for the purpose of taxation as provided  
3 in Section 22 of Article X of the Oklahoma Constitution. All  
4 homesteads in this state shall be assessed for taxation the same as  
5 other real property therein, except that each homestead, as defined  
6 by Section 2801 et seq. of this title, shall be exempted from all  
7 forms of ad valorem taxation to the extent of One Thousand Dollars  
8 (\$1,000.00) of the assessed valuation; provided such exemption shall  
9 not be allowed if a homestead exemption or substantially similar  
10 claim for exemption from property tax is claimed by the taxpayer in  
11 another state.

12 SECTION 3. AMENDATORY 68 O.S. 2011, Section 2891, is  
13 amended to read as follows:

14 Section 2891. On or before January 1st of each year, the  
15 Oklahoma Tax Commission shall prescribe suitable blank forms to be  
16 used by all claimants for homestead exemption. Such forms shall  
17 contain provisions for the showing of all information which the  
18 Oklahoma Tax Commission may deem necessary to enable the proper  
19 county officials to determine whether each claim for exemption  
20 should be allowed, including a statement to be signed by the  
21 claimant attesting that no homestead exemption or substantially  
22 similar claim for exemption from property tax has been filed for  
23 property in another state. It shall be the duty of the county  
24 assessor of each county in this state to furnish such forms, upon

1 request, to each person desiring to make application for homestead  
2 exemption on property located within that county. The forms so  
3 prescribed shall be used uniformly throughout the state and no  
4 application for exemption shall be allowed unless the applicant uses  
5 the regularly prescribed form in making his or her application.

6 SECTION 4. AMENDATORY 68 O.S. 2011, Section 2892, is  
7 amended to read as follows:

8 Section 2892. A. To receive a homestead exemption, a taxpayer  
9 shall be required to file an application with the county assessor.  
10 Such application may be filed at any time. However, the county  
11 assessor shall, if such applicant otherwise qualifies, grant a  
12 homestead exemption for a tax year only if the application is filed  
13 on or before March 15 of such year or within thirty (30) days from  
14 and after receipt by the taxpayer of notice of valuation increase,  
15 whichever is later. Except as provided in this subsection, if an  
16 application for a homestead exemption is filed after March 15 or  
17 within thirty (30) days after receipt by the taxpayer of notice of  
18 valuation increase, whichever is later, the county assessor shall,  
19 if such applicant otherwise qualifies, grant the homestead exemption  
20 beginning with the following tax year. For any owner of real  
21 property who is eligible to claim the income tax credit pursuant to  
22 Section 2357.29 of this title with respect to the May 8 or 9, 2003,  
23 tornado or for any owner of real property whose primary residence  
24 was damaged or destroyed in the May 8 or 9, 2003, tornado and who

1 purchased or built a new primary residence at a location within this  
2 state other than the location of the damaged or destroyed residence,  
3 the application for a homestead exemption may be filed after March  
4 15, 2004, but no later than June 1, 2004, and the homestead  
5 exemption shall be granted for such year.

6 B. Any taxpayer who has been granted a homestead exemption and  
7 who continues to occupy such homestead property as a homestead,  
8 shall not be required to reapply for such homestead exemption.

9 C. Once granted, the homestead exemption shall remain in full  
10 force and effect for each succeeding year, so long as:

11 1. The record of actual property ownership is vested in the  
12 taxpayer;

13 2. The instrument of ownership is on record in the county  
14 clerk's office;

15 3. The owner-taxpayer is in all other respects entitled by law  
16 to the homestead exemption; ~~and~~

17 4. The taxpayer has no delinquent accounts appearing on the  
18 personal property tax lien docket in the county treasurer's office.

19 On October 1 of each year, the county treasurer will provide a copy  
20 of the personal property tax lien docket to the county assessor.

21 Based upon the personal property tax lien docket, the county  
22 assessor shall act to cancel the homestead exemption of all property  
23 owners having delinquent personal property taxes. Such cancellation  
24 of the homestead exemption will become effective January 1 of the

1 following year and will remain in effect for at least one (1)  
2 calendar year; however, such cancellation will not become effective  
3 January 1 of the following year if the taxpayer pays such delinquent  
4 personal property taxes prior to January 1. Cancellation of the  
5 homestead exemption will require the county assessor to notify each  
6 taxpayer no later than January 1 of the next calendar year whose  
7 homestead is canceled and will require the taxpayer to refile an  
8 application for homestead exemption by those dates so indicated in  
9 this section and the payment of all delinquent personal property  
10 taxes before the homestead can be reinstated; and

11 5. The taxpayer has not filed a homestead exemption or  
12 substantially similar claim for exemption from property tax in  
13 another state.

14 D. Any purchaser or new owner of real property must file an  
15 application for homestead exemption as herein provided.

16 E. The application for homestead exemption shall be filed with  
17 the county assessor of the county in which the homestead is located.  
18 A taxpayer applying for homestead exemption shall not be required to  
19 appear before the county assessor in person to submit such  
20 application.

21 F. The property owner shall sign and swear to the truthfulness  
22 and correctness of the application's contents. If the property  
23 owner is a minor or incompetent, the legal guardian shall sign and  
24 swear to the contents of the application.

1 G. The county assessor and duly appointed deputies are  
2 authorized and empowered to administer the required oaths.

3 H. The taxpayer shall notify the county assessor following any  
4 change in the use of property with homestead exemption thereon. The  
5 notice of change in homestead exemption status of property shall be  
6 in writing and may be filed with the county assessor at any time on  
7 or before March 15 of the next following year after which such  
8 change occurs. The filing of a deed or other instrument evidencing  
9 a change of ownership or use shall constitute sufficient notice to  
10 the county assessor.

11 I. Any single person of legal age, married couple and their  
12 minor child or children, or the minor child or children of a  
13 deceased person, whether residing together or separated, or  
14 surviving spouse shall be allowed under this Code only one homestead  
15 exemption in the State of Oklahoma or in any other state.

16 J. Any property owner who fails to give notice of change to the  
17 county assessor and permits the allowance of homestead exemption for  
18 any succeeding year where such homestead exemption is unlawful and  
19 improper shall owe the county treasurer:

20 1. An amount equal to twice the amount of the taxes lawfully  
21 due but not paid by reason of such unlawful and improper allowance  
22 of homestead exemption; and

23 2. The interest and penalty on such total sum as provided by  
24 statutes on delinquent ad valorem taxes. There shall be a lien on

1 the property while such taxes are unpaid, but not for a period  
2 longer than that provided by statute for other ad valorem tax liens.

3 K. Any person who has intentionally or knowingly permitted the  
4 unlawful and improper allowance of homestead exemption shall forfeit  
5 the right to a homestead exemption on any property in this state for  
6 the two (2) succeeding years.

7 SECTION 5. This act shall become effective January 1, 2013.

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