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STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3933 By: Provenzano of the House

By: Provenzano of the House

and

**Rader** of the Senate

## AS INTRODUCED

An Act relating to revenue and taxation; amending 68 O.S. 2021, Section 3105, which relates to sale of property for delinquent ad valorem taxes; modifying certain value amount related to single-family properties; and providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 68 O.S. 2021, Section 3105, is amended to read as follows:

Section 3105. A. The county treasurer shall in all cases, except those provided for in subsection B of this section and except for periods governed by the provisions of subsection C of Section 3148 of this title, where taxes are a lien upon real property and have been unpaid for a period of three (3) years or more as of the date such taxes first became due and payable, advertise and sell

1 such real estate for such taxes and all other delinquent taxes,  
2 special assessments and costs at the tax resale provided for in  
3 Section 3125 of this title, which shall be held on the second Monday  
4 of June each year in each county. The county treasurer shall not be  
5 bound before so doing to proceed to collect by sale all personal  
6 taxes on personal property which are by law made a lien on realty,  
7 but shall include such personal tax with that due on the realty, and  
8 shall sell the realty for all of the taxes and special assessments.

9 B. In counties with a population in excess of one hundred  
10 thousand (100,000) persons according to the most recent Federal  
11 Decennial Census, the county treasurer shall not conduct a tax sale  
12 of such real estate where taxes are a lien upon real property if the  
13 following conditions are met:

14 1. The real property contains a single-family residential  
15 dwelling;

16 2. The individual residing on the property is sixty-five (65)  
17 years of age or older or has been classified as totally disabled, as  
18 defined in subsection C of this section, and such individual owes  
19 the taxes due on the real property;

20 3. The real property is not currently being used as rental  
21 property;

22 4. The individual living on the property has an annual income  
23 that does not exceed the HHS Poverty Guidelines as established each  
24 year by the United States Department of Health and Human Services

1 that are published in the Federal Register and in effect at the time  
2 that the proposed tax sale is to take place; and

3 5. The fair market value of the real property as reflected on  
4 the tax rolls in the office of the county assessor does not exceed  
5 ~~One Hundred Twenty-five Thousand Dollars (\$125,000.00)~~ One Hundred  
6 Eighty Thousand Dollars (\$180,000.00).

7 C. As used in this section, a person who is "totally disabled"  
8 means a person who is unable to engage in any substantial gainful  
9 activity by reason of a medically determined physical or mental  
10 impairment which can be expected to last for a continuous period of  
11 twelve (12) months or more. Proof of disability may be established  
12 by certification by an agency of state government, an insurance  
13 company, or as may be required by the county treasurer. Eligibility  
14 to receive disability benefits pursuant to a total disability under  
15 the Federal Social Security Act shall constitute proof of disability  
16 for purposes of this section.

17 D. It shall be the duty of the individual owning property  
18 subject to the provisions of subsection B of this section to make  
19 application to the county treasurer for an exemption from a tax sale  
20 prior to the property being sold. It shall also be the duty of the  
21 individual to provide evidence to the county treasurer that the  
22 individual meets the financial requirements outlined in paragraph 4  
23 of subsection B of this section and all other requirements of this  
24 section to qualify for the exemption. Any individual claiming the

1 exemption provided in this section shall establish eligibility for  
2 the exemption each year the exemption is claimed.

3 E. Taxes, interest and penalties will continue to accrue while  
4 the exemption is claimed. The exemption from sale of property  
5 described in this section shall no longer be applicable and the  
6 county treasurer shall proceed with the sale of such real estate if  
7 any of the conditions prescribed in this section are no longer met.

8 F. Every notice of tax resale shall contain language approved  
9 by the Office of the State Auditor and Inspector informing the  
10 taxpayer of the provisions of this section.

11 SECTION 2. This act shall become effective June 1, 2024.

12 SECTION 3. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

16  
17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
18 02/29/2024 - DO PASS, As Coauthored.