

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3847

By: Roberts

AS INTRODUCED

An Act relating to revenue and taxation; amending 19 O.S. 2021, Section 766, which relates to action to foreclose lien due to unpaid taxes; providing for certain property owner to order or direct the district attorney to file an action for foreclosure; amending 68 O.S. 2021, Section 3105, as amended by Section 1, Chapter 23, O.S.L. 2024 (68 O.S. Supp. 2025, Section 3105), which relates to exemption to real property being sold for delinquent taxes; removing population cap; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2021, Section 766, is amended to read as follows:

Section 766. When such time shall have elapsed that it is conclusively presumed that the taxes on any such property have not been paid, then the board of county commissioners or the property owner of a single family residence shall have power and authority to order and direct that the district attorney file an action in the

1 district court to foreclose the lien of the county on such property  
2 for the unpaid taxes thereon, and the proceedings to foreclose any  
3 such lien for the unpaid taxes shall be the same as the foreclosure  
4 of a mortgage for default in payment, and without appraisalment;  
5 provided, that any number of persons may be made parties defendant  
6 in the same action.

7 SECTION 2. AMENDATORY 68 O.S. 2021, Section 3105, as  
8 amended by Section 1, Chapter 23, O.S.L. 2024 (68 O.S. Supp. 2025,  
9 Section 3105), is amended to read as follows:

10 Section 3105. A. The county treasurer shall in all cases,  
11 except those provided for in subsection B of this section and except  
12 for periods governed by the provisions of subsection C of Section  
13 3148 of this title, where taxes are a lien upon real property and  
14 have been unpaid for a period of three (3) years or more as of the  
15 date such taxes first became due and payable, advertise and sell  
16 such real estate for such taxes and all other delinquent taxes,  
17 special assessments and costs at the tax resale provided for in  
18 Section 3125 of this title, which shall be held on the second Monday  
19 of June each year in each county. The county treasurer shall not be  
20 bound before so doing to proceed to collect by sale all personal  
21 taxes on personal property which are by law made a lien on realty,  
22 but shall include such personal tax with that due on the realty, and  
23 shall sell the realty for all of the taxes and special assessments.

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

6       1. The real property contains a single-family residential  
7 dwelling;

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

12       3. The real property is not currently being used as rental  
13 property;

14       4. The individual living on the property has an annual income  
15 that does not exceed the HHS Poverty Guidelines as established each  
16 year by the United States Department of Health and Human Services  
17 that are published in the Federal Register and in effect at the time  
18 that the proposed tax sale is to take place; and

19       5. The fair market value of the real property as reflected on  
20 the tax rolls in the office of the county assessor does not exceed  
21 One Hundred Eighty Thousand Dollars (\$180,000.00).

22       C. As used in this section, a person who is "totally disabled"  
23 means a person who is unable to engage in any substantial gainful  
24 activity by reason of a medically determined physical or mental

1 impairment which can be expected to last for a continuous period of  
2 twelve (12) months or more. Proof of disability may be established  
3 by certification by an agency of state government, an insurance  
4 company, or as may be required by the county treasurer. Eligibility  
5 to receive disability benefits pursuant to a total disability under  
6 the Federal Social Security Act shall constitute proof of disability  
7 for purposes of this section.

8 D. It shall be the duty of the individual owning property  
9 subject to the provisions of subsection B of this section to make  
10 application to the county treasurer for an exemption from a tax sale  
11 prior to the property being sold. It shall also be the duty of the  
12 individual to provide evidence to the county treasurer that the  
13 individual meets the financial requirements outlined in paragraph 4  
14 of subsection B of this section and all other requirements of this  
15 section to qualify for the exemption. Any individual claiming the  
16 exemption provided in this section shall establish eligibility for  
17 the exemption each year the exemption is claimed.

18 E. Taxes, interest and penalties will continue to accrue while  
19 the exemption is claimed. The exemption from sale of property  
20 described in this section shall no longer be applicable and the  
21 county treasurer shall proceed with the sale of such real estate if  
22 any of the conditions prescribed in this section are no longer met.  
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1 F. Every notice of tax resale shall contain language approved  
2 by the Office of the State Auditor and Inspector informing the  
3 taxpayer of the provisions of this section.

4 SECTION 3. This act shall become effective November 1, 2026.  
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6 60-2-14707 AO 12/12/25  
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