

HOUSE BILL NO. HB0162

County optional tax-affordable housing.

Sponsored by: Representative(s) Yin and Storer and  
Senator(s) Gierau

A BILL

for

1 AN ACT relating to taxation and revenue; providing for an  
2 optional excise tax on the sale of real property as  
3 specified; providing for distribution of the tax; requiring  
4 rulemaking; imposing penalties; making conforming  
5 amendments; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 39-24-101 through 39-24-111 are  
10 created to read:

11

CHAPTER 24

12

REAL ESTATE TRANSFER TAX

13

14

15 **39-24-101. Definitions.**

1

2 (a) As used in this chapter:

3

4 (i) "Affordable housing" means residential  
5 housing that is rented to or owned by a person who  
6 qualifies as a low income or moderate income household, as  
7 defined by the city, town or county where the housing is  
8 located;

9

10 (ii) "Agricultural land" means land which meets  
11 the requirements of W.S. 39-13-103(b)(x) for the purpose of  
12 tax assessment;

13

14 (iii) "Consideration" means any property or  
15 thing of legal value whether delivered in the past, present  
16 or to be delivered in the future and includes like kind  
17 exchanges of property;

18

19 (iv) "Conveyance" means as defined by W.S.  
20 34-1-102;

21

22 (v) "Deed" means a conveyance of real property,  
23 in writing signed by the grantor, whereby the interest held

1 by the grantor to real property is transferred from a  
2 grantor to a grantee;

3

4 (vi) "Real property" means as defined by W.S.  
5 39-11-101(a)(xv).

6

7 **39-24-102. Administration.**

8

9 The department shall enforce the provisions of this  
10 chapter. The department shall promulgate rules necessary  
11 for the implementation and enforcement of this chapter.

12

13 **39-24-103. Imposition.**

14

15 (a) Taxable event. A county may impose an excise tax  
16 on the sale of real property under W.S. 39-24-104(a),  
17 provided that:

18

19 (i) The revenue from the tax shall be used only  
20 for affordable housing projects as provided in the  
21 proposition submitted to the qualified electors;

22

1           (ii) No tax shall be imposed under W.S.  
2 39-24-104(a) until the proposition to impose the tax is  
3 submitted to a vote of the qualified electors of the  
4 county, and a majority of those casting their ballots at  
5 the election vote in favor of imposing the tax;

6

7           (iii) The proposition to impose the tax shall be  
8 at the expense of the county and be submitted to the  
9 electors of the county upon the receipt by the board of  
10 county commissioners of a petition requesting the election  
11 signed by at least five percent (5%) of the electors of the  
12 county or of a resolution approving the proposition from  
13 the governing body of the county and the governing bodies  
14 of at least fifty percent (50%) of the incorporated  
15 municipalities within the county. If proposed by petition  
16 by electors, the number of electors required shall be  
17 determined by the total number of votes cast at the last  
18 general election. The election shall be at the direction  
19 and under the supervision of the board of county  
20 commissioners;

21

22           (iv) The proposition to impose the tax may be  
23 submitted at an election held on a date authorized under

1 W.S. 22-21-103. A notice of election shall be given in at  
2 least one (1) newspaper of general circulation published in  
3 the county in which the election is to be held, and the  
4 notice shall specify the object of the election. The notice  
5 shall be published at least once each week for the thirty  
6 (30) day period preceding the election. At the election the  
7 ballots shall contain the words "for the county real estate  
8 transfer tax" and "against the county real estate transfer  
9 tax". The ballot in an election under this section shall  
10 specify the amount of sale that is excluded from the tax as  
11 provided in W.S. 39-24-104(a)(i) and shall specify how  
12 funds from the tax will be used in a clear and appropriate  
13 manner, subject to paragraph (i) of this subsection;

14

15 (v) If the proposition to impose the tax under  
16 W.S. 39-24-104(a) is approved, the same proposition shall  
17 be submitted, until defeated, at the second general  
18 election following the election at which the proposition  
19 was initially approved and at the general election held  
20 every four (4) years thereafter;

21

22 (vi) If the proposition to impose or continue  
23 the tax is defeated, the proposition shall not again be

1 submitted to the electors of the county for at least eleven  
2 (11) months. If the proposition is defeated at any general  
3 election following initial adoption of the proposition, the  
4 tax is repealed;

5

6 (vii) If the proposition is approved by the  
7 qualified electors, the board of county commissioners shall  
8 by resolution impose the tax upon the sale of real  
9 property.

10

11 (b) Basis of tax. The tax shall be collected based  
12 on the full actual consideration paid for the legal title  
13 or beneficial interest conveyed including any lien assumed  
14 using the best available information. For a gift or any  
15 deed transferred with nominal consideration or without  
16 stated consideration, the tax shall be collected based on  
17 the most recent fair market value, as determined by the  
18 county assessor, of the real property or interest that is  
19 transferred.

20

21 (c) Taxpayer. The grantee shall pay the tax under  
22 this chapter.

23

1           **39-24-104. Taxation rate.**

2

3           (a) The tax shall be based on the total amount of the  
4 real property sale in the following percentages as  
5 specified in the proposition submitted to the qualified  
6 electors:

7

8           (i) For any amount of a sale up to the amount  
9 determined in the initial proposition not to exceed one  
10 million five hundred thousand dollars (\$1,500,000.00): zero  
11 percent (0%);

12

13           (ii) For any amount of a sale in excess of the  
14 amount specified in paragraph (i) of this subsection: one  
15 percent (1%).

16

17           **39-24-105. Exemptions.**

18

19           (a) The tax under this chapter shall not be imposed  
20 upon any deed of legal title to or beneficial interest in  
21 real property that is recorded:

22

1           (i) Prior to July 1, 2024, including any deed  
2 recorded as the result of any transfer of real property  
3 that is completed pursuant to a contract that was executed  
4 prior to July 1, 2024 even if the deed is recorded after  
5 that date;

6

7           (ii) To confirm, correct, modify or supplement a  
8 previously recorded instrument without added consideration;

9

10           (iii) For any transfer without consideration  
11 from one (1) joint tenant or tenant in common to one (1) or  
12 more remaining joint tenants or tenants in common;

13

14           (iv) For any transfer without consideration when  
15 held in the name of one (1) spouse to both spouses as joint  
16 tenants, tenants in common, tenants by the entirety or as  
17 community property;

18

19           (v) For any transfer between spouses, including  
20 any gift between spouses;

21

22           (vi) For any transfer pursuant to a court order  
23 or decree including any transfer of legal title to or



1 beneficial interest in real property between spouses to  
2 effect a property settlement agreement or between former  
3 spouses in compliance with a decree of divorce;

4

5 (vii) For any transfer without consideration to  
6 or from a trust;

7

8 (viii) For any transfer between a parent and  
9 child, including a gift;

10

11 (ix) For any transfer to make effective any plan  
12 of reorganization or adjustment under which a mere change  
13 in identity, form or place of organization is affected,  
14 including a transfer between a corporation and its parent  
15 corporation or a subsidiary corporation;

16

17 (x) For any transfer due to the sale of the  
18 property for delinquent taxes or assessments or due to a  
19 sale or transfer pursuant to foreclosure;

20

21 (xi) For any transfer conducted through a county  
22 certificate of purchase or a sheriff's deed;

23

1           (xii) For any transfer of agricultural land;

2

3           (xiii) For any exchange of real property, the  
4 tax shall not apply to the portion of the properties'  
5 combined value equal to the value of the lowest valued  
6 property being exchanged, as determined by the county  
7 assessor for the previous calendar year;

8

9           (xiv) For any transfer of real property exempted  
10 from property taxation under W.S. 39-11-105(a)(i) through  
11 (viii) and any property protected from taxation under the  
12 Wyoming constitution;

13

14           (xv) For any transfer of real property interests  
15 constituting a mineral estate;

16

17           (xvi) For any transfer of real property used for  
18 industrial purposes as defined by W.S.  
19 39-11-101(a)(xiv)(B);

20

21           (xvii) For a lease;

22

23           (xviii) For an easement;

1

2           (xix) For any transfer of real property located  
3 within the boundaries of the Wind River Indian Reservation  
4 if the grantor or grantee is a member of the Eastern  
5 Shoshone or Northern Arapaho tribes;

6

7           (xx) For any transfer of real property without  
8 consideration to a nonprofit organization that is exempt  
9 from federal income tax under section 501(c)(3) of the  
10 Internal Revenue Code and that is not a private foundation  
11 as defined in section 509(a) of the Internal Revenue Code;

12

13           (xxi) Any other transfer which the department  
14 exempts by rule upon a finding that the transfer does not  
15 represent a taxable conveyance of property due to the  
16 relationship of the parties or the nature of the real  
17 property.

18

19           **39-24-106. Licensing; permits.**

20

21 There are no specific applicable provisions for licenses  
22 and permits for this chapter.

23

1           **39-24-107. Compliance; collection procedures.**

2

3           (a) Returns and reports. Taxes imposed by this  
4 chapter are due and payable at the office of the county  
5 treasurer of the county in which the real property is  
6 located on the date of recordation of the deed or other  
7 instrument. The tax shall be collected on the full actual  
8 consideration paid for real property, provided that if the  
9 property is transferred with nominal consideration or  
10 without stated consideration, the tax shall be collected  
11 based on the most recent fair market value, as determined  
12 by the county assessor, of the real property that is  
13 transferred as the best available information. The county  
14 clerk shall not record a document transferring legal title  
15 to or beneficial interest in real property until all taxes  
16 due under this chapter have been paid to the county  
17 treasurer. The grantor and grantee shall sign, on a form  
18 prescribed by the department, a statement eliciting the  
19 information necessary for the assessment of the tax. The  
20 statement, receipt and revenues, if disclosure of the  
21 revenues would identify the amount of a single sale, are  
22 not public records and shall be held confidential by the  
23 county clerk, county assessor, county treasurer, county

1 board of equalization, state board of equalization and by  
2 the department.

3

4 (b) It is a misdemeanor for a person to willfully  
5 disclose, except as specifically authorized by law, any  
6 information on the statement required by subsection (a) of  
7 this section. A violation of this section is punishable by  
8 a fine of not more than seven hundred fifty dollars  
9 (\$750.00), imprisonment for not more than six (6) months,  
10 or both.

11

12 (c) Payment. The grantee shall pay the tax under this  
13 chapter. Payment shall be collected from the grantee at the  
14 time of recording the deed or other instrument in the form  
15 prescribed by the department. The grantee shall sign under  
16 penalty of perjury on a form prescribed by the department  
17 that the tax required under this chapter has been paid.

18

19 (d) Timelines. There are no specific applicable  
20 provisions for timelines for this chapter.

21

22 (e) If the property being transferred is located in  
23 more than one (1) county and the value has not been

1 determined by the grantor and grantee as to each county,  
2 the value and resulting taxes due under this chapter shall  
3 be established by applying the ratio of the assessed  
4 valuation in each county to the assessed valuation of all  
5 property being transferred. If one (1) or more of the  
6 counties where the property is located has not imposed a  
7 tax under this chapter, the ratio of the property located  
8 in that county shall not be subject to the tax.

9

10 **39-24-108. Enforcement.**

11

12 There are no specific applicable provisions for enforcement  
13 for this chapter.

14

15 **39-24-109. Taxpayer remedies.**

16

17 There are no specific applicable provisions for taxpayer  
18 remedies for this chapter.

19

20 **39-24-110. Statute of limitations.**

21

22 There are no specific applicable provisions for a statute  
23 of limitations for this chapter.

1

2           **39-24-111. Distribution.**

3

4           (a) Taxes collected by the county treasurer under  
5 this chapter shall be distributed as follows:

6

7                   (i) To the county in the proportion that the  
8 population of the county situated outside the corporate  
9 limits of its cities and towns bears to the total  
10 population of the county including cities and towns;

11

12                   (ii) To each city and town within the county in  
13 the proportion the population of the city or town bears to  
14 the population of the county.

15

16           (b) The revenue from the tax under this chapter shall  
17 be used only for affordable housing projects as provided in  
18 the proposition submitted to the qualified electors under  
19 W.S. 39-24-103(a).

20

21           **Section 2.** W.S. 34-1-119(a) and 39-11-101(a)(xviii)  
22 are amended to read:

23

1           **34-1-119. Duties of county clerk generally.**

2

3           (a) The county clerk of each county within this state  
4 shall receive and record at length all deeds, mortgages,  
5 conveyances, patents, certificates and instruments left  
6 with him for that purpose, and he shall endorse on every  
7 such instrument the day and hour on which it was filed for  
8 record. The county clerk shall not record any document  
9 until the clerk receives documentation that the tax  
10 required by W.S. 39-24-103, if any, has been paid to the  
11 county treasurer. The county clerk shall not record any  
12 document until the address of the grantee, mortgagee or  
13 assignee of the mortgagee is furnished to the county clerk,  
14 but this requirement shall not affect the validity of the  
15 recording of any instrument except to the extent provided  
16 in W.S. 34-1-142(b). Only instruments which are the  
17 originally signed documents, including electronic documents  
18 recorded pursuant to the Uniform Real Property Electronic  
19 Recording Act, W.S. 34-1-401 through 34-1-407, or properly  
20 certified or authenticated copies thereof may be properly  
21 recorded. A document is properly certified if in compliance  
22 with Rule 902 of the Wyoming Rules of Evidence or other  
23 applicable rule or statute.



1

2           **39-11-101. Definitions.**

3

4           (a) As used in this act unless otherwise specifically  
5 provided:

6

7                   (xviii) "This act" means W.S. 39-11-101 through  
8 ~~39-22-111~~ 39-24-111.

9

10           **Section 3.** The department of revenue shall adopt  
11 rules necessary to implement the county option real estate  
12 transfer tax not later than July 1, 2024.

13

1           **Section 4.**

2

3           (a) Except as provided in subsection (b) of this  
4 section, this act is effective immediately upon completion  
5 of all acts necessary for a bill to become law as provided  
6 by Article 4, Section 8 of the Wyoming Constitution.

7

8           (b) Sections 1 and 2 of this act are effective July  
9 1, 2024.

10

11

(END)