

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to authorize Stafford County to permit taxpayers to defer payment of a portion of certain real*
3 *property taxes.*

4 [H 2219]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1.** *§ 1. A. In addition to the deferral program pursuant to § 58.1-3219 of the Code of Virginia, Stafford*
8 *County may adopt, by ordinance, a deferral program for real property taxes including the terms and*
9 *conditions of the program, in such amount as the ordinance may prescribe, subject to the limitations*
10 *and conditions of this section.*

11 *B. The deferral program pursuant to this section shall apply only to real property owned by and*
12 *occupied as the sole dwelling of the taxpayer. To qualify, the real property's tax levy for 2016 shall*
13 *exceed the tax levy for 2015 by at least 25 percent and this increase shall be the result of improvements*
14 *completed in 2015 made by Stafford County to real property that, together with any adjacent property*
15 *owned by Stafford County, is adjacent to the taxpayer's real estate as determined by the commissioner*
16 *of the revenue or other assessing official as provided in subsection C.*

17 *C. Whenever the commissioner of the revenue or other assessing official increases the assessed value*
18 *of real property described in subsection B, he shall notify the taxpayer of his rights under the*
19 *ordinance. After receipt of the notice, the taxpayer may elect to defer all or any portion of 95 percent of*
20 *the amount by which the real property tax of the subject property increased from 2015 to 2016 as*
21 *calculated by the commissioner of the revenue or other assessing official for taxes accruing in 2016*
22 *and, subject to the provisions of subsection D, the same amount for taxes accruing in subsequent tax*
23 *years.*

24 *D. The deferred amount shall be subject to simple interest computed at a rate established by the*
25 *governing body, not to exceed five percent per annum. The accumulated amount of taxes deferred and*
26 *interest shall be paid to the county, city, or town by the owner upon the sale or transfer of the property,*
27 *or from the estate of the decedent within one year after the death of the owner. If the real property is*
28 *owned jointly and all such owners applied and qualified for the deferral program established by*
29 *ordinance, the death of one of the joint owners shall not disqualify the survivor or survivors from*
30 *participating in the deferral program. All accumulated deferred taxes and interest shall be paid within*
31 *one year of the date of death of the last qualifying owner. The accumulated amount of tax deferred and*
32 *interest shall constitute a lien upon the real property.*

33 *E. All other sections of this article shall apply mutatis mutandis, unless the provisions of such*
34 *sections are inapplicable.*

35 **2.** *Any real property that was eligible for the deferral of taxes under this act on January 1, 2016,*
36 *shall be eligible for deferral of taxes accruing in 2016. For real estate covered under this*
37 *enactment, Stafford County shall, if it enacts an ordinance pursuant to this act, refund any*
38 *portion of taxes paid, as applicable.*

ENROLLED

HB219ER