

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 438

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

[H 2219]

Approved March 13, 2017

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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