

Representative Timothy D. Hawkes proposes the following substitute bill:

PROPERTY TAX AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: Daniel Hemmert

LONG TITLE

General Description:

This bill modifies the property tax valuation and appeals processes for county assessed real property.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ codifies how a party meets the party's burden of proof when appealing a valuation to the county board of equalization or the commission;
- ▶ modifies the burdens of proof for appeals involving certain real property for which there was a reduction in value as a result of an appeal during the previous taxable year;
- ▶ creates an automatic county review process for certain real property valuations or equalizations that exceed a threshold; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



26 This bill provides retrospective operation.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **59-2-109**, as enacted by Laws of Utah 2016, Chapter 392

30 **59-2-303**, as last amended by Laws of Utah 1993, Chapter 245

31 **59-2-311**, as last amended by Laws of Utah 2005, Chapter 182

32 **59-2-919.1**, as last amended by Laws of Utah 2016, Chapter 98

33 **59-2-1004**, as last amended by Laws of Utah 2018, Chapter 277

34 **59-2-1004.5**, as last amended by Laws of Utah 2008, Chapter 382

35 ENACTS:

36 **59-2-303.2**, Utah Code Annotated 1953



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **59-2-109** is amended to read:

40 **59-2-109. Burden of proof.**

41 (1) As used in this section[~~,"assessing authority" means~~]:

42 [~~(a) the commission for property assessed under Part 2, Assessment of Property; and~~]

43 [~~(b) a county assessor for property assessed under Part 3, County Assessment.~~]

44 (a) "Final assessed value" means:

45 (i) for real property for which the taxpayer appealed the valuation or equalization to the
46 county board of equalization in accordance with Section 59-2-1004, the value given to the real
47 property by a county board of equalization after the appeal;

48 (ii) for real property for which the taxpayer or a county assessor appealed the valuation
49 or equalization to the commission in accordance with Section 59-2-1006, the value given to the
50 real property by:

51 (A) the commission, if the commission has issued a decision in the appeal; or

52 (B) a county board of equalization, if the commission has not yet issued a decision in
53 the appeal; or

54 (iii) for real property for which the taxpayer or a county assessor sought judicial review
55 of the valuation or equalization in accordance with Section 59-1-602 or Title 63G, Chapter 4,
56 Part 4, Judicial Review, the value given the real property by the commission.

57 (b) "Inflation adjusted value" means the value of the real property that is the subject of
58 the appeal as calculated by the county assessor in accordance with Subsection 59-2-1004(2)(c).

59 (c) "Qualified real property" means real property:

60 (i) that is assessed by a county assessor in accordance with Part 3, County Assessment;

61 (ii) for which:

62 (A) the taxpayer or a county assessor appealed the valuation or equalization for the
63 previous taxable year to the county board of equalization in accordance with Section 59-2-1004
64 or the commission in accordance with Section 59-2-1006;

65 (B) as a result of the appeal described in Subsection (1)(c)(ii)(A), a county board of
66 equalization or the commission gave a final assessed value that was lower than the assessed
67 value; and

68 (C) the assessed value for the current taxable year is higher than the inflation adjusted
69 value; and

70 (iii) that, between January 1 of the previous taxable year and January 1 of the current
71 taxable year, has not been improved or changed beyond the improvements in place on January
72 1 of the previous taxable year.

73 (2) For an appeal involving the valuation of real property to the county board of
74 equalization or the commission, the party carrying the burden of proof shall demonstrate:

75 (a) substantial error in:

76 (i) for an appeal not involving qualified real property:

77 (A) if Subsection (3) does not apply and the appeal is to the county board of
78 equalization, the original assessed value;

79 (B) if Subsection (3) does not apply and the appeal is to the commission, the value
80 given to the property by the county board of equalization; or

81 (C) if Subsection (3) applies, the original assessed value; or

82 (ii) for an appeal involving qualified real property, the inflation adjusted value; and

83 (b) a sound evidentiary basis upon which the county board of equalization or the
84 commission could adopt a different valuation.

85 ~~[(2) Notwithstanding Section 59-1-604, in an action appealing the value of property~~
86 ~~assessed by an assessing authority, the assessing authority has the burden of proof before a~~
87 ~~board of equalization, the commission, or a court of competent jurisdiction, if the assessing~~

88 ~~authority presents evidence or otherwise asserts that the fair market value of the assessed~~
89 ~~property is greater than the value originally assessed by the assessing authority for that calendar~~
90 ~~year.]~~

91 (3) (a) The party described in Subsection (3)(b) shall carry the burden of proof before a
92 county board of equalization or the commission, in an action appealing the value of property:

93 (i) that is not qualified real property; and

94 (ii) for which a county assessor, a county board of equalization, or the commission
95 asserts that the fair market value of the assessed property is greater than the original assessed
96 value for that calendar year.

97 (b) For purposes of Subsection (3)(a), the following have the burden of proof:

98 (i) for property assessed under Part 3, County Assessment:

99 (A) the county assessor, if the county assessor is a party to the appeal that asserts that
100 the fair market value of the assessed property is greater than the original assessed value for that
101 calendar year; or

102 (B) the county board of equalization, if the county board of equalization is a party to
103 the appeal that asserts that the fair market value of the assessed property is greater than the
104 original assessed value for that calendar year; or

105 (ii) for property assessed under Part 2, Assessment of Property, the commission, if the
106 commission is a party to the appeal that asserts that the fair market value of the assessed
107 property is greater than the original assessed value for that calendar year.

108 (c) For purposes of this Subsection (3) only, if a county assessor, county board of
109 equalization, or the commission asserts that the fair market value of the assessed property is
110 greater than the original assessed value for that calendar year:

111 (i) the original assessed value shall lose the presumption of correctness;

112 (ii) a preponderance of the evidence shall suffice to sustain the burden for all parties;

113 and

114 (iii) the county board of equalization or the commission shall be free to consider all
115 evidence allowed by law in determining fair market value, including the original assessed
116 value.

117 (4) (a) The party described in Subsection (4)(b) shall carry the burden of proof before a
118 county board of equalization or the commission in an action appealing the value of qualified

119 real property if at least one party presents evidence of or otherwise asserts a value other than
 120 inflation adjusted value.

121 (b) For purposes of Subsection (4)(a):

122 (i) the county assessor or the county board of equalization that is a party to the appeal
 123 has the burden of proof if the county assessor or county board of equalization presents evidence
 124 of or otherwise asserts a value that is greater than or equal to the inflation adjusted value; or

125 (ii) the taxpayer that is a party to the appeal has the burden of proof if the taxpayer
 126 presents evidence of or otherwise asserts a value that is less than the inflation adjusted value.

127 (c) The burdens of proof described in Subsection (4)(b) apply before a county board of
 128 equalization or the commission even if the previous year's valuation is:

129 (i) pending an appeal requested in accordance with Section 59-2-1006 or judicial
 130 review requested in accordance with Section 59-1-602 or Title 63G, Chapter 4, Part 4, Judicial
 131 Review; or

132 (ii) overturned by the commission as a result of an appeal requested in accordance with
 133 Section 59-2-1006 or by a court of competent jurisdiction as a result of judicial review
 134 requested in accordance with Section 59-1-602 or Title 63G, Chapter 4, Part 4, Judicial
 135 Review.

136 Section 2. Section 59-2-303 is amended to read:

137 **59-2-303. General duties of county assessor.**

138 (1) ~~[Prior to]~~ (a) Before May 22 each year, the county assessor shall:

139 (i) ascertain the names of the owners of all property [which] that is subject to taxation
 140 by the county[; and shall];

141 (ii) except as provided in Subsection (2), assess the property to the owner, claimant of
 142 record, or occupant in possession or control at [12 o'clock midnight of January 1 in the tax
 143 year, unless a subsequent conveyance of ownership of the real property was recorded in the
 144 office of the county recorder more than 14 calendar days before the date of mailing of the tax
 145 notice. In that case, any tax notice may be mailed, and the tax assessed, to the new owner. No
 146 mistake in the name or address of the owner or supposed owner of property renders the
 147 assessment invalid.] midnight on January 1 of the taxable year; and

148 (iii) conduct the review process described in Section 59-2-303.2.

149 (b) No mistake in the name or address of the owner or supposed owner of property

150 renders the assessment invalid.

151 (2) If a conveyance of ownership of the real property was recorded in the office of a
152 county recorder after January 1 but more than 14 calendar days before the day on which the
153 county treasurer mails the tax notice, the county assessor shall assess the property to the new
154 owner.

155 ~~[(2)]~~ (3) A county assessor shall become fully acquainted with all property in ~~[his]~~ the
156 county assessor's county, as provided in Section 59-2-301.

157 Section 3. Section 59-2-303.2 is enacted to read:

158 **59-2-303.2. Automatic review of assessed value of review property.**

159 (1) As used in this section:

160 (a) "Final assessed value" means:

161 (i) for a review property for which the taxpayer did not appeal the valuation or
162 equalization in accordance with Section 59-2-1004, the assessed value as stated on the
163 valuation notice described in Section 59-2-919.1;

164 (ii) for a review property for which the taxpayer appealed the valuation or equalization
165 in accordance with Section 59-2-1004, the assessed value given to the review property by a
166 county board of equalization after the appeal;

167 (iii) for real property for which the taxpayer or a county assessor appealed the valuation
168 or equalization to the commission in accordance with Section 59-2-1006, the value given to the
169 real property by:

170 (A) the commission, if the commission has issued a decision in the appeal; or

171 (B) a county board of equalization, if the commission has not yet issued a decision in
172 the appeal; or

173 (iv) for real property for which the taxpayer or a county assessor sought judicial review
174 of the valuation or equalization in accordance with Section 59-1-602 or Title 63G, Chapter 4,
175 Part 4, Judicial Review, the value given the real property by the commission.

176 (b) "Median property value change" means the midpoint of the property value changes
177 for all real property that is:

178 (i) of the same class of real property as the review property; and

179 (ii) located within the same county and within the same market area as the review
180 property.

181 (c) "Property value change" means the percentage change in the fair market value of
182 real property between January 1 of the previous year and January 1 of the current year.

183 (d) "Review property" means real property located in the county:

184 (i) that between January 1 of the previous year and January 1 of the current year has not
185 been improved or changed beyond improvements in place on January 1 of the previous taxable
186 year; and

187 (ii) for which the county assessor did not conduct a detailed review of property
188 characteristics during the current taxable year.

189 (e) "Threshold increase" means an increase in a review property's assessed value for the
190 current taxable year compared to the final assessed value of the review property for the
191 previous taxable year that is:

192 (i) the median property value change plus 15%; and

193 (ii) at least \$10,000.

194 (2) (a) Before completing and delivering the assessment book to the county auditor in
195 accordance with Section 59-2-311, the county assessor shall review the assessment of a review
196 property for which the assessed value for the current taxable year is equal to or exceeds the
197 threshold increase.

198 (b) The county assessor shall retain a record of the properties for which the county
199 assessor conducts a review in accordance with this section and the results of that review.

200 (3) (a) If the county assessor determines that the assessed value of the review property
201 reflects the review property's fair market value, the county assessor shall not adjust the review
202 property's assessed value.

203 (b) If the county assessor determines that the assessed value of the review property
204 does not reflect the review property's fair market value, the county assessor shall adjust the
205 assessed value of the review property to reflect the fair market value.

206 (4) The review process described in this section does not supersede or otherwise affect
207 a taxpayer's right to appeal or to seek judicial review of the valuation or equalization of a
208 review property in accordance with:

209 (a) this part;

210 (b) Title 59, Chapter 1, Part 6, Judicial Review; or

211 (c) Title 63G, Chapter 4, Part 4, Judicial Review.

212 Section 4. Section 59-2-311 is amended to read:

213 **59-2-311. Completion and delivery of assessment book -- Signed statement**
214 **required -- Contents of signed statement -- Adjustment of assessment in assessment book.**

215 (1) [~~Prior to~~] Before May 22 each year, the county assessor shall complete and deliver
216 the assessment book to the county auditor.

217 (2) The county assessor shall subscribe and sign a statement in the assessment book
218 substantially as follows:

219 I, _____, the assessor of _____ County, do swear that before May 22, _____ (year), I
220 made diligent inquiry and examination, and either personally or by deputy, established the
221 value of all of the property within the county subject to assessment by me; that the property has
222 been assessed on the assessment book equally and uniformly according to the best of my
223 judgment, information, and belief at its fair market value; that I have faithfully complied with
224 all the duties imposed on the assessor under the revenue laws including the requirements of
225 Section 59-2-303.1; and that I have not imposed any unjust or double assessments through
226 malice or ill will or otherwise, or allowed anyone to escape a just and equal assessment through
227 favor or reward, or otherwise.

228 (3) Before completing and delivering the assessment book under Subsection (1), the
229 county assessor shall adjust the assessment of property in the assessment book to reflect an
230 adjustment in the taxable value of any property if the adjustment in taxable value is made:

231 (a) by the county board of equalization [~~under~~] in accordance with Section
232 59-2-1004.5 [~~; and~~] on or before May 15; or

233 [~~(b) on or before May 15.~~]

234 (b) by the county assessor in accordance with Section 59-2-303.2.

235 Section 5. Section 59-2-919.1 is amended to read:

236 **59-2-919.1. Notice of property valuation and tax changes.**

237 (1) In addition to the notice requirements of Section 59-2-919, the county auditor, on or
238 before July 22 of each year, shall notify each owner of real estate who is listed on the
239 assessment roll.

240 (2) The notice described in Subsection (1) shall:

241 (a) except as provided in Subsection (4), be sent to all owners of real property by mail
242 10 or more days before the day on which:

243 (i) the county board of equalization meets; and
244 (ii) the taxing entity holds a public hearing on the proposed increase in the certified tax
245 rate;

246 (b) be on a form that is:

247 (i) approved by the commission; and
248 (ii) uniform in content in all counties in the state; and
249 (c) contain for each property:

250 (i) the assessor's determination of the value of the property;
251 (ii) the date the county board of equalization will meet to hear complaints on the
252 valuation;

253 (iii) itemized tax information for all applicable taxing entities, including:
254 (A) the dollar amount of the taxpayer's tax liability for the property in the prior year;
255 and
256 (B) the dollar amount of the taxpayer's tax liability under the current rate;

257 (iv) the tax impact on the property;
258 (v) the time and place of the required public hearing for each entity;
259 (vi) property tax information pertaining to:
260 (A) taxpayer relief;
261 (B) options for payment of taxes; and
262 (C) collection procedures;

263 (vii) information specifically authorized to be included on the notice under this
264 chapter;

265 (viii) the last property review date of the property as described in Subsection
266 [59-2-303.1\(1\)\(c\)](#); and
267 (ix) other property tax information approved by the commission.

268 (3) If a taxing entity that is subject to the notice and hearing requirements of
269 Subsection [59-2-919\(4\)](#) proposes a tax increase, the notice described in Subsection (1) shall
270 state, in addition to the information required by Subsection (2):

271 (a) the dollar amount of the taxpayer's tax liability if the proposed increase is approved;
272 (b) the difference between the dollar amount of the taxpayer's tax liability if the
273 proposed increase is approved and the dollar amount of the taxpayer's tax liability under the

274 current rate, placed in close proximity to the information described in Subsection (2)(c)(v); and
275 (c) the percentage increase that the dollar amount of the taxpayer's tax liability under
276 the proposed tax rate represents as compared to the dollar amount of the taxpayer's tax liability
277 under the current tax rate.

278 (4) (a) Subject to the other provisions of this Subsection (4), a county auditor may, at
279 the county auditor's discretion, provide the notice required by this section to a taxpayer by
280 electronic means if a taxpayer makes an election, according to procedures determined by the
281 county auditor, to receive the notice by electronic means.

282 (b) (i) If a notice required by this section is sent by electronic means, a county auditor
283 shall attempt to verify whether a taxpayer receives the notice.

284 (ii) If receipt of the notice sent by electronic means cannot be verified 14 days or more
285 before the county board of equalization meets and the taxing entity holds a public hearing on a
286 proposed increase in the certified tax rate, the notice required by this section shall also be sent
287 by mail as provided in Subsection (2).

288 (c) A taxpayer may revoke an election to receive the notice required by this section by
289 electronic means if the taxpayer provides written notice to the county auditor on or before April
290 30.

291 (d) An election or a revocation of an election under this Subsection (4):

292 (i) does not relieve a taxpayer of the duty to pay a tax due under this chapter on or
293 before the due date for paying the tax; or

294 (ii) does not alter the requirement that a taxpayer appealing the valuation or the
295 equalization of the taxpayer's real property submit the application for appeal within the time
296 period provided in Subsection [59-2-1004\[\(2\)\]\(3\)](#).

297 (e) A county auditor shall provide the notice required by this section as provided in
298 Subsection (2), until a taxpayer makes a new election in accordance with this Subsection (4), if:

299 (i) the taxpayer revokes an election in accordance with Subsection (4)(c) to receive the
300 notice required by this section by electronic means; or

301 (ii) the county auditor finds that the taxpayer's electronic contact information is invalid.

302 (f) A person is considered to be a taxpayer for purposes of this Subsection (4)
303 regardless of whether the property that is the subject of the notice required by this section is
304 exempt from taxation.

305 Section 6. Section **59-2-1004** is amended to read:

306 **59-2-1004. Appeal to county board of equalization -- Real property -- Time**
307 **period for appeal -- Public hearing requirements -- Decision of board -- Extensions**
308 **approved by commission -- Appeal to commission.**

309 (1) As used in this section:

310 (a) "Final assessed value" means:

311 (i) for real property for which the taxpayer appealed the valuation or equalization to the
312 county board of equalization in accordance with Section [59-2-1004](#), the value given to the real
313 property by a county board of equalization after the appeal;

314 (ii) for real property for which the taxpayer or a county assessor appealed the valuation
315 or equalization to the commission in accordance with Section [59-2-1006](#), the value given to the
316 real property by:

317 (A) the commission, if the commission has issued a decision in the appeal; or

318 (B) a county board of equalization, if the commission has not yet issued a decision in
319 the appeal; or

320 (iii) for real property for which the taxpayer or a county assessor sought judicial review
321 of the valuation or equalization in accordance with Section [59-1-602](#) or Title 63G, Chapter 4,
322 Part 4, Judicial Review, the value given the real property by the commission.

323 (b) "Inflation adjusted value" means the value of the real property that is the subject of
324 the appeal as calculated by the county assessor in accordance with Subsection (2)(c).

325 (c) "Median property value change" means the midpoint of the property value changes
326 for all real property that is:

327 (i) of the same class of real property as the qualified real property; and

328 (ii) located within the same county and within the same market area as the qualified
329 real property.

330 (d) "Property value change" means the percentage change in the fair market value of
331 real property between January 1 of the previous year and January 1 of the current year.

332 (e) "Qualified real property" means real property:

333 (i) for which:

334 (A) the taxpayer or a county assessor appealed the valuation or equalization for the
335 previous taxable year to the county board of equalization in accordance with Section [59-2-1004](#)

336 or the commission in accordance with Section 59-2-1006;

337 (B) as a result of the appeal described in Subsection (1)(e)(i)(A), a county board of
338 equalization or the commission gave a final assessed value that was lower than the assessed
339 value; and

340 (C) the assessed value for the current taxable year is higher than the inflation adjusted
341 value; and

342 (ii) that, between January 1 of the previous taxable year and January 1 of the current
343 taxable year, has not been improved or changed beyond the improvements in place on January
344 1 of the previous taxable year.

345 ~~[(1)]~~ (2) (a) A taxpayer dissatisfied with the valuation or the equalization of the
346 taxpayer's real property may make an application to appeal by:

347 (i) filing the application with the county board of equalization within the time period
348 described in Subsection ~~[(2)]~~ (3); or

349 (ii) making an application by telephone or other electronic means within the time
350 period described in Subsection ~~[(2)]~~ (3) if the county legislative body passes a resolution under
351 Subsection ~~[(7)]~~ (8) authorizing a taxpayer to make an application by telephone or other
352 electronic means.

353 (b) (i) The county board of equalization shall make a rule describing the contents of the
354 application.

355 (ii) In addition to any information the county board of equalization requires, the
356 application shall include information about:

357 (A) the burden of proof in an appeal involving qualified real property; and

358 (B) the process for the taxpayer to learn the inflation adjusted value of the qualified
359 real property.

360 (c) (i) The county assessor shall calculate inflation adjusted value by changing the final
361 assessed value for the previous taxable year of the real property that is the subject of the appeal
362 by the median property value change.

363 (ii) (A) The county assessor shall notify the county board of equalization of a qualified
364 real property's inflation adjusted value within 15 business days after the date on which the
365 county assessor receives notice that a taxpayer filed an appeal with the county board of
366 equalization.

367 (B) The county assessor shall notify the commission of a qualified real property's
368 inflation adjusted value within 15 business days after the date on which the county assessor
369 receives notice that a person dissatisfied with the decision of a county board of equalization
370 files an appeal with the commission.

371 (iii) A person may not appeal a county assessor's calculation of inflation adjusted value
372 but may appeal the fair market value of a qualified real property.

373 ~~[(2)]~~ (3) (a) Except as provided in Subsection ~~[(2)]~~ (3)(b) and for purposes of
374 Subsection ~~[(1)]~~ (2), a taxpayer shall make an application to appeal the valuation or the
375 equalization of the taxpayer's real property on or before the later of:

376 (i) September 15 of the current calendar year; or

377 (ii) the last day of a 45-day period beginning on the day on which the county auditor
378 provides the notice under Section [59-2-919.1](#).

379 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
380 commission shall make rules providing for circumstances under which the county board of
381 equalization is required to accept an application to appeal that is filed after the time period
382 prescribed in Subsection ~~[(2)]~~ (3)(a).

383 ~~[(3)]~~ (4) (a) ~~[The owner]~~ Except as provided in Subsection (4)(b), the taxpayer shall
384 include in the application under Subsection ~~[(1)]~~ (2)(a)(i) the [owner's] taxpayer's estimate of
385 the fair market value of the property and any evidence that may indicate that the assessed
386 valuation of the [owner's] taxpayer's property is improperly equalized with the assessed
387 valuation of comparable properties.

388 (b) (i) For an appeal involving qualified real property:

389 (A) the county board of equalization shall presume that the fair market value of the
390 qualified real property is equal to the inflation adjusted value; and

391 (B) except as provided in Subsection (4)(b)(ii), the taxpayer may provide the
392 information described in Subsection (4)(a).

393 (ii) If the taxpayer seeks to prove that the fair market value of the qualified real
394 property is below the inflation adjusted value, the taxpayer shall provide the information
395 described in Subsection (4)(a).

396 ~~[(4)]~~ (5) In reviewing evidence submitted to a county board of equalization by or on
397 behalf of an owner or a county assessor, the county board of equalization shall consider and

398 weigh:

399 (a) the accuracy, reliability, and comparability of the evidence presented by the owner
400 or the county assessor;

401 (b) if submitted, the sales price of relevant property that was under contract for sale as
402 of the lien date but sold after the lien date;

403 (c) if submitted, the sales offering price of property that was offered for sale as of the
404 lien date but did not sell, including considering and weighing the amount of time for which,
405 and manner in which, the property was offered for sale; and

406 (d) if submitted, other evidence that is relevant to determining the fair market value of
407 the property.

408 [~~(5)~~] (6) (a) The county board of equalization shall meet and hold public hearings as
409 described in Section [59-2-1001](#).

410 (b) (i) For purposes of this Subsection [~~(5)~~] (6)(b), "significant adjustment" means a
411 proposed adjustment to the valuation of real property that:

412 (A) is to be made by a county board of equalization; and

413 (B) would result in a valuation that differs from the original assessed value by at least
414 20% and \$1,000,000.

415 (ii) When a county board of equalization is going to consider a significant adjustment,
416 the county board of equalization shall:

417 (A) list the significant adjustment as a separate item on the agenda of the public
418 hearing at which the county board of equalization is going to consider the significant
419 adjustment; and

420 (B) for purposes of the agenda described in Subsection [~~(5)~~] (6)(b)(ii)(A), provide a
421 description of the property for which the county board of equalization is considering a
422 significant adjustment.

423 (c) The county board of equalization shall make a decision on each appeal filed in
424 accordance with this section within 60 days after the day on which the taxpayer makes an
425 application.

426 (d) The commission may approve the extension of a time period provided for in
427 Subsection [~~(5)~~] (6)(b) for a county board of equalization to make a decision on an appeal.

428 (e) Unless the commission approves the extension of a time period under Subsection

429 ~~[(5)]~~ (6)(d), if a county board of equalization fails to make a decision on an appeal within the
430 time period described in Subsection ~~[(5)]~~ (6)(c), the county legislative body shall:

431 (i) list the appeal, by property owner and parcel number, on the agenda for the next
432 meeting the county legislative body holds after the expiration of the time period described in
433 Subsection ~~[(5)]~~ (6)(c); and

434 (ii) hear the appeal at the meeting described in Subsection ~~[(5)]~~ (6)(e)(i).

435 (f) The decision of the county board of equalization shall contain:

436 (i) a determination of the valuation of the property based on fair market value; and

437 (ii) a conclusion that the fair market value is properly equalized with the assessed value
438 of comparable properties.

439 (g) If no evidence is presented before the county board of equalization, the county
440 board of equalization shall presume that the equalization issue has been met.

441 (h) (i) If the fair market value of the property that is the subject of the appeal deviates
442 plus or minus 5% from the assessed value of comparable properties, the county board of
443 equalization shall adjust the valuation of the appealed property to reflect a value equalized with
444 the assessed value of comparable properties.

445 (ii) Subject to Sections 59-2-301.1, 59-2-301.2, 59-2-301.3, and 59-2-301.4, equalized
446 value established under Subsection ~~[(5)]~~ (6)(h)(i) shall be the assessed value for property tax
447 purposes until the county assessor is able to evaluate and equalize the assessed value of all
448 comparable properties to bring all comparable properties into conformity with full fair market
449 value.

450 ~~[(6)]~~ (7) If any taxpayer is dissatisfied with the decision of the county board of
451 equalization, the taxpayer may file an appeal with the commission as described in Section
452 59-2-1006.

453 ~~[(7)]~~ (8) A county legislative body may pass a resolution authorizing taxpayers owing
454 taxes on property assessed by that county to file property tax appeals applications under this
455 section by telephone or other electronic means.

456 Section 7. Section 59-2-1004.5 is amended to read:

457 **59-2-1004.5. Valuation adjustment for decrease in taxable value caused by a**
458 **natural disaster.**

459 (1) For purposes of this section:

- 460 (a) [~~natural~~] "Natural disaster" means:
- 461 (i) an explosion;
- 462 (ii) fire;
- 463 (iii) a flood;
- 464 (iv) a storm;
- 465 (v) a tornado;
- 466 (vi) winds;
- 467 (vii) an earthquake;
- 468 (viii) lightning;
- 469 (ix) any adverse weather event; or

470 (x) any event similar to an event described in this Subsection (1), as determined by the
471 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
472 Rulemaking Act[~~; and~~].

473 (b) "~~natural~~ Natural disaster damage" means any physical harm to property caused by
474 a natural disaster.

475 (2) Except as provided in Subsection (3), if, during a calendar year, property sustains a
476 decrease in taxable value that is caused by natural disaster damage, the owner of the property
477 may apply to the county board of equalization for an adjustment in the taxable value of the
478 owner's property as provided in Subsection (4).

479 (3) [~~Notwithstanding Subsection (2), an~~] An owner may not receive the valuation
480 adjustment described in this section if the decrease in taxable value described in Subsection (2)
481 is:

- 482 (a) due to the intentional action or inaction of the owner; or
- 483 (b) less than 30% of the taxable value of the property described in Subsection (2)
484 before the decrease in taxable value described in Subsection (2).

485 (4) (a) To receive the valuation adjustment described in Subsection (2), the owner of
486 the property shall file an application for the valuation adjustment with the county board of
487 equalization on or before the later of:

- 488 (i) the deadline described in Subsection 59-2-1004[~~(2)~~](3); or
- 489 (ii) 45 days after the day on which the natural disaster damage described in Subsection
490 (2) occurs.

- 491 (b) The county board of equalization shall hold a hearing:
- 492 (i) within 30 days ~~[of]~~ after the day on which the county board of equalization receives
- 493 the application described in Subsection (4)(a) [is received by the board of equalization]; and
- 494 (ii) following the procedures and requirements of Section 59-2-1001.
- 495 (c) At the hearing described in Subsection (4)(b), the applicant shall have the burden of
- 496 proving, by a preponderance of the evidence:
- 497 (i) that the property sustained a decrease in taxable value, that:
- 498 (A) was caused by natural disaster damage; and
- 499 (B) is at least 30% of the taxable value of the property described in this Subsection
- 500 (4)(c)(i) before the decrease in taxable value described in this Subsection (4)(c)(i);
- 501 (ii) the amount of the decrease in taxable value described in Subsection (4)(c)(i); and
- 502 (iii) that the decrease in taxable value described in Subsection (4)(c)(i) is not due to the
- 503 action or inaction of the applicant.
- 504 (d) If the county board of equalization determines that the applicant has met the burden
- 505 of proof described in Subsection (4)(c), the county board of equalization shall reduce the
- 506 valuation of the property described in Subsection (4)(c)(i) by an amount equal to the decrease
- 507 in taxable value of the property multiplied by the percentage of the calendar year remaining
- 508 after the natural disaster damage occurred.
- 509 (e) The decision of the board of equalization shall be provided to the applicant, in
- 510 writing, within 30 days ~~[of]~~ after the day on which the county board of equalization concludes
- 511 the hearing described in Subsection (4)(b) [is concluded].
- 512 (5) An applicant that is dissatisfied with a decision of the county board of equalization
- 513 under this section may appeal that decision under Section 59-2-1006.

514 **Section 8. Effective date.**

515 If approved by two-thirds of all the members elected to each house, this bill takes effect

516 upon approval by the governor, or the day following the constitutional time limit of Utah

517 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

518 the date of veto override.

519 **Section 9. Retrospective operation.**

520 This bill has retrospective operation to January 1, 2019.