

Effective 1/1/2020

Part 19
Armed Forces Exemptions

59-2-1901 Definitions.

As used in this section:

- (1) "Active component of the United States Armed Forces" means the same as that term is defined in Section 59-10-1027.
- (2) "Active duty claimant" means a member of an active component of the United States Armed Forces or a reserve component of the United States Armed Forces who:
 - (a) performed qualifying active duty military service; and
 - (b) applies for an exemption described in Section 59-2-1902.
- (3) "Adjusted taxable value limit" means:
 - (a) for the calendar year that begins on January 1, 2023, \$479,504; or
 - (b) for each calendar year after the calendar year that begins on January 1, 2023, the amount of the adjusted taxable value limit for the previous year plus an amount calculated by multiplying the amount of the adjusted taxable value limit for the previous year by the actual percent change in the consumer price index during the previous calendar year.
- (4) "Consumer price index" means the same as that term is described in Section 1(f)(4), Internal Revenue Code, and defined in Section 1(f)(5), Internal Revenue Code.
- (5) "Deceased veteran with a disability" means a deceased individual who was a veteran with a disability at the time the individual died.
- (6) "Military entity" means:
 - (a) the United States Department of Veterans Affairs;
 - (b) an active component of the United States Armed Forces; or
 - (c) a reserve component of the United States Armed Forces.
- (7) "Primary residence" includes the residence of a individual who does not reside in the residence if the individual:
 - (a) does not reside in the residence because the individual is admitted as an inpatient at a health care facility as defined in Section 26B-4-501; and
 - (b) otherwise meets the requirements of this part.
- (8) "Qualifying active duty military service" means at least 200 days, regardless of whether consecutive, in any continuous 365-day period of active duty military service outside the state in an active component of the United States Armed Forces or a reserve component of the United States Armed Forces, if the days of active duty military service:
 - (a) were completed in the year before an individual applies for an exemption described in Section 59-2-1902; and
 - (b) have not previously been counted as qualifying active duty military service for purposes of qualifying for an exemption described in Section 59-2-1902 or applying for the exemption described in Section 59-2-1902.
- (9) "Statement of disability" means the statement of disability described in Section 59-2-1904.
- (10) "Reserve component of the United States Armed Forces" means the same as that term is defined in Section 59-10-1027.
- (11) "Residence" means real property where an individual resides, including:
 - (a) a mobile home, as defined in Section 41-1a-102; or
 - (b) a manufactured home, as defined in Section 41-1a-102.

- (12) "Veteran claimant" means one of the following individuals who applies for an exemption described in Section 59-2-1903:
- (a) a veteran with a disability;
 - (b) the unmarried surviving spouse:
 - (i) of a deceased veteran with a disability; or
 - (ii) a veteran who was killed in action or died in the line of duty; or
 - (c) a minor orphan:
 - (i) of a deceased veteran with a disability; or
 - (ii) a veteran who was killed in action or died in the line of duty.
- (13) "Veteran who was killed in action or died in the line of duty" means an individual who was killed in action or died in the line of duty in an active component of the United States Armed Forces or a reserve component of the United States Armed Forces, regardless of whether that individual had a disability at the time that individual was killed in action or died in the line of duty.
- (14) "Veteran with a disability" means an individual with a disability who, during military training or a military conflict, acquired a disability in the line of duty in an active component of the United States Armed Forces or a reserve component of the United States Armed Forces, as determined by a military entity.

Amended by Chapter 329, 2023 General Session

Amended by Chapter 461, 2023 General Session

59-2-1902 Active duty armed forces exemption -- Amount -- Application.

- (1) As used in this section, "default application deadline" means the application deadline described in Subsection (4)(a).
- (2)
- (a) The total taxable value of an active duty claimant's primary residence is exempt from taxation for the calendar year after the year in which the active duty claimant completed qualifying military service.
 - (b) An active duty claimant may claim an exemption in accordance with this section if the active duty claimant owns the property eligible for the exemption at any time during the calendar year for which the active duty claimant claims the exemption.
- (3) An active duty claimant shall:
- (a) file an application as described in Subsection (4) in the year after the year during which the active duty claimant completes the qualifying active duty military service; and
 - (b) if the active duty claimant meets the requirements of this section, claim one exemption only in the year the active duty claimant files the application.
- (4)
- (a) Except as provided in Subsection (5) or (6), an active duty claimant shall, on or before September 1 of the calendar year for which the active duty claimant is applying for the exemption, file an application for an exemption with the county in which the active duty claimant resides on September 1 of that calendar year.
 - (b) An application described in Subsection (4)(a) shall include:
 - (i) a completed travel voucher or other satisfactory evidence of eligible military service; and
 - (ii) a statement that lists the dates on which the 200 days of qualifying active duty military service began and ended.

- (c) A county that receives an application described in Subsection (4)(a) shall, within 30 days after the day on which the county received the application, provide the active duty claimant with a receipt that states that the county received the active duty claimant's application.
- (5) A county may extend the default application deadline for an application described in Subsection (4)(a) until December 31 of the year for which the active duty claimant is applying for the exemption if the county finds that good cause exists to extend the default application deadline.
- (6) A county shall extend the default application deadline by one additional year if the county legislative body determines that:
 - (a) the active duty claimant or a member of the active duty claimant's immediate family had an illness or injury that prevented the active duty claimant from filing the application on or before the default application deadline;
 - (b) a member of the active duty claimant's immediate family died during the calendar year of the default application deadline;
 - (c) the active duty claimant was not physically present in the state for a time period of at least six consecutive months during the calendar year of the default application deadline; or
 - (d) the failure of the active duty claimant to file the application on or before the default application deadline:
 - (i) would be against equity or good conscience; and
 - (ii) was beyond the reasonable control of the active duty claimant.
- (7) After issuing the receipt described in Subsection (4)(c), a county may not require an active duty claimant to file another application under Subsection (4)(a), except under the following circumstances:
 - (a) a change in the active duty claimant's ownership of the active duty claimant's primary residence; or
 - (b) a change in the active duty claimant's occupancy of the primary residence for which the active duty claimant claims an exemption under this section.
- (8) A county may verify that real property for which an active duty claimant applies for an exemption is the active duty claimant's primary residence.
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule:
 - (a) establish procedures and requirements for amending an application described in Subsection (4);
 - (b) for purposes of Subsection (6), define the terms:
 - (i) "immediate family"; or
 - (ii) "physically present"; or
 - (c) for purposes of Subsection (6)(d), prescribe the circumstances under which the failure of an active duty claimant to file an application on or before the default application deadline:
 - (i) would be against equity or good conscience; and
 - (ii) is beyond the reasonable control of an active duty claimant.

Enacted by Chapter 453, 2019 General Session

59-2-1903 Veteran armed forces exemption -- Amount.

- (1) As used in this section, "eligible property" means property owned by a veteran claimant that is:
 - (a) the veteran claimant's primary residence; or
 - (b) tangible personal property that:
 - (i) is held exclusively for personal use; and
 - (ii) is not used in a trade or business.

- (2) In accordance with this part, the amount of taxable value of eligible property described in Subsection (3) or (4) is exempt from taxation if the eligible property is owned by a veteran claimant.
- (3)
 - (a) Except as provided in Subsection (4) and in accordance with this Subsection (3), the amount of taxable value of eligible property that is exempt under Subsection (2) is equal to the percentage of disability described in the statement of disability multiplied by the adjusted taxable value limit.
 - (b) The amount of an exemption calculated under Subsection (3)(a) may not exceed the taxable value of the eligible property.
 - (c) A county shall consider a veteran with a disability to have a 100% disability, regardless of the percentage of disability described on the statement of disability, if the United States Department of Veterans Affairs certifies the veteran in the classification of individual unemployability.
 - (d) A county may not allow an exemption claimed under this section if the percentage of disability listed on the statement of disability is less than 10%.
- (4) The amount of taxable value of eligible property that is exempt under Subsection (2) is equal to the total taxable value of the veteran claimant's eligible property if the property is owned by:
 - (a) the unmarried surviving spouse of a veteran who was killed in action or died in the line of duty;
 - (b) a minor orphan of a veteran who was killed in action or died in the line of duty; or
 - (c) the unmarried surviving spouse or minor orphan of a deceased veteran with a disability:
 - (i) who served in the military service of the United States or the state prior to January 1, 1921; and
 - (ii) whose percentage of disability described in the statement of disability is 10% or more.
- (5) For purposes of this section and Section 59-2-1904, an individual who received an honorable or general discharge from military service of an active component of the United States Armed Forces or a reserve component of the United States Armed Forces:
 - (a) is presumed to be a citizen of the United States; and
 - (b) may not be required to provide additional proof of citizenship to establish that the individual is a citizen of the United States.
- (6) The Department of Veterans and Military Affairs created in Section 71A-1-201 shall, through an informal hearing held in accordance with Title 63G, Chapter 4, Administrative Procedures Act, resolve each dispute arising under this section concerning an individual's status as a veteran with a disability.

Amended by Chapter 44, 2023 General Session

59-2-1904 Veteran armed forces exemption -- Application.

- (1) As used in this section:
 - (a) "Default application deadline" means the application deadline described in Subsection (3)(a).
 - (b) "Qualifying disabled veteran claimant" means a veteran claimant who has a 100% service-connected disability rating by the Veterans Benefits Administration that is permanent and total.
- (2) A veteran claimant may claim an exemption in accordance with Section 59-2-1903 and this section if the veteran claimant owns the property eligible for the exemption at any time during the calendar year for which the veteran claimant claims the exemption.
- (3)

- (a) Except as provided in Subsection (4), (5), or (7), a veteran claimant shall file, on or before September 1 of the calendar year for which the veteran claimant is applying for the exemption, an application for an exemption described in Section 59-2-1903 with the county in which the veteran claimant resides on September 1 of that calendar year.
 - (b) An application described in Subsection (3)(a) shall include:
 - (i) a copy of the veteran's certificate of discharge from military service or other satisfactory evidence of eligible military service; and
 - (ii) for an application submitted under the circumstances described in Subsection (5)(a), a statement, issued by a military entity, that gives the date on which the written decision described in Subsection (5)(a) takes effect.
 - (c) A veteran claimant who is claiming an exemption for a veteran with a disability or a deceased veteran with a disability, shall ensure that as part of the application described in this Subsection (3), the county has on file, for the veteran related to the exemption, a statement of disability:
 - (i) issued by a military entity; and
 - (ii) that lists the percentage of disability for the veteran with a disability or deceased veteran with a disability.
 - (d) If a veteran claimant is in compliance with Subsection (3)(c), a county may not require the veteran claimant to file another statement of disability, except under the following circumstances:
 - (i) the percentage of disability has changed for the veteran with a disability or the deceased veteran with a disability; or
 - (ii) the veteran claimant is not the same individual who filed an application for the exemption for the calendar year immediately preceding the current calendar year.
 - (e) A county that receives an application described in Subsection (3)(a) shall, within 30 days after the day on which the county received the application, provide the veteran claimant with a receipt that states that the county received the veteran claimant's application.
- (4) A county may extend the default application deadline for an initial or amended application until December 31 of the year for which the veteran claimant is applying for the exemption if the county finds that good cause exists to extend the default application deadline.
- (5) A county shall extend the default application deadline by one additional year if, on or after January 4, 2004:
- (a) a military entity issues a written decision that:
 - (i)
 - (A) for a potential claimant who is a living veteran, determines the veteran is a veteran with a disability; or
 - (B) for a potential claimant who is the unmarried surviving spouse or minor orphan of a deceased veteran, determines the deceased veteran was a deceased veteran with a disability at the time the deceased veteran with a disability died; and
 - (ii) takes effect in a year before the current calendar year; or
 - (b) the county legislative body determines that:
 - (i) the veteran claimant or a member of the veteran claimant's immediate family had an illness or injury that prevented the veteran claimant from filing the application on or before the default application deadline;
 - (ii) a member of the veteran claimant's immediate family died during the calendar year of the default application deadline;
 - (iii) the veteran claimant was not physically present in the state for a time period of at least six consecutive months during the calendar year of the default application deadline; or

- (iv) the failure of the veteran claimant to file the application on or before the default application deadline:
 - (A) would be against equity or good conscience; and
 - (B) was beyond the reasonable control of the veteran claimant.
- (6)
 - (a) A county shall allow a veteran claimant to amend an application described in Subsection (3)
 - (a) after the default application deadline if, on or after January 4, 2004, a military entity issues a written decision:
 - (i) that the percentage of disability has changed:
 - (A) for a veteran with a disability, if the veteran with a disability is the veteran claimant; or
 - (B) for a deceased veteran with a disability, if the claimant is the unmarried surviving spouse or minor orphan of a deceased veteran with a disability; and
 - (ii) that takes effect in a year before the current calendar year.
 - (b) A veteran claimant who files an amended application under Subsection (6)(a) shall include a statement, issued by a military entity, that gives the date on which the written decision described in Subsection (6)(a) takes effect.
- (7)
 - (a) A qualifying disabled veteran claimant may submit an application described in Subsection (3)
 - (b) before the qualifying disabled veteran claimant owns a residence if the qualifying disabled veteran claimant:
 - (i) intends to purchase the residence as evidenced by a real estate purchase contract or similar documentation;
 - (ii) files the application in the county where the residence that the qualifying disabled veteran claimant intends to purchase is located; and
 - (iii) intends to use the residence as the qualifying disabled veteran claimant's primary residence.
 - (b)
 - (i) The county shall process the application and send the qualifying disabled veteran claimant a receipt, which shall also include documentation that:
 - (A) the application is preliminarily approved or denied; and
 - (B) if the application is preliminarily approved, the amount of the qualifying disabled veteran claimant's tax exemption calculated in accordance with Section 59-2-1903.
 - (ii) The county shall provide the receipt within 15 business days after the day on which the county received the application.
- (8) After issuing the receipt described in Subsection (3)(e) or (7)(b), a county may not require a veteran claimant to file another application under Subsection (3)(a) or (7)(a), except under the following circumstances relating to the veteran claimant:
 - (a) the veteran claimant applies all or a portion of an exemption to tangible personal property;
 - (b) the percentage of disability changes for a veteran with a disability or a deceased veteran with a disability;
 - (c) the veteran with a disability dies;
 - (d) a change in the veteran claimant's ownership of the veteran claimant's primary residence;
 - (e) a change in the veteran claimant's occupancy of the primary residence for which the veteran claimant claims an exemption under this section; or
 - (f) for an exemption relating to a deceased veteran with a disability or a veteran who was killed in action or died in the line of duty, the veteran claimant is not the same individual who filed an application for the exemption for the calendar year immediately preceding the current calendar year.

- (9) If a veteran claimant is the grantor of a trust holding title to real or tangible personal property for which an exemption described in Section 59-2-1903 is claimed, a county may allow the veteran claimant to claim a portion of the exemption and be treated as the owner of that portion of the property held in trust, if the veteran claimant proves to the satisfaction of the county that:
- (a) title to the portion of the trust will revert in the veteran claimant upon the exercise of a power by:
 - (i) the veteran claimant as grantor of the trust;
 - (ii) a nonadverse party; or
 - (iii) both the veteran claimant and a nonadverse party;
 - (b) title will revert as described in Subsection (9)(a), regardless of whether the power described in Subsection (9)(a) is a power to revoke, terminate, alter, amend, or appoint; and
 - (c) the veteran claimant satisfies the requirements described in this part for the exemption described in Section 59-2-1903.
- (10) A county may verify that real property for which a veteran claimant applies for an exemption is the veteran claimant's primary residence.
- (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may, by rule:
- (a) establish procedures and requirements for amending an application described in Subsection (3)(a);
 - (b) for purposes of Subsection (5)(b), define the terms:
 - (i) "immediate family"; or
 - (ii) "physically present";
 - (c) for purposes of Subsection (5)(b), provide the circumstances under which the failure of a veteran claimant to file an application on or before the default application deadline:
 - (i) would be against equity or good conscience; and
 - (ii) is beyond the reasonable control of a veteran claimant; or
 - (d) for purposes of Subsection (7)(a), establish the type of documentation that is evidence of intent to purchase.

Amended by Chapter 483, 2023 General Session

59-2-1905 Refund.

- (1) As used in this section:
- (a) "Property taxes and fees due" means:
 - (i) the taxes due on an active duty claimant or veteran claimant's property:
 - (A) with respect to which a county grants an exemption under this part; and
 - (B) for the calendar year for which the county grants an exemption under this part; and
 - (ii) for a veteran claimant, a uniform fee on tangible personal property described in Section 59-2-405 that is owned by the veteran claimant and assessed for the calendar year for which the county grants an exemption under this part.
 - (b) "Property taxes and fees paid" is an amount equal to the sum of the following:
 - (i) the amount of property taxes that qualifies for an exemption under this part that the active duty claimant or the veteran claimant paid for the calendar year for which the active duty claimant or veteran claimant is applying for an exemption under this part;
 - (ii) the amount of the exemption the county grants for the calendar year for which the active duty claimant or veteran claimant is applying for an exemption under this part; and
 - (iii) for a veteran claimant, the amount of a uniform fee on tangible personal property, described in Section 59-2-405 and that qualifies for an exemption under this part, that is paid by the

veteran claimant for the calendar year for which the veteran claimant is applying for an exemption under this part.

- (2) A county shall refund to an active duty claimant or a veteran claimant an amount equal to the amount by which the active duty claimant's or veteran claimant's property taxes and fees paid exceed the active duty claimant's or veteran claimant's property taxes and fees due, if that amount is \$1 or more.

Amended by Chapter 354, 2020 General Session

59-2-1906 County legislative body authority to adopt rules or ordinances.

A county legislative body may adopt rules or ordinances to:

- (1) effectuate an exemption under this part; or
- (2) designate one or more persons to perform the functions given to the county under this part.

Enacted by Chapter 471, 2023 General Session