

PROPERTY TAX RELIEF AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley A. Winn

This act modifies the Property Tax Act by allowing a county legislative body to extend the time for filing a claim for a tax abatement for indigent persons. The act requires a county legislative body under certain circumstances to grant refunds of the abatement for indigent persons, the homeowner's credit, the valuation abatement, or the renter's credit. The act makes technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

59-2-1109, as last amended by Chapter 86, Laws of Utah 2000

59-2-1206, as last amended by Chapters 20 and 309, Laws of Utah 1998

59-2-1207, as last amended by Chapter 20, Laws of Utah 1998

59-2-1220, as last amended by Chapter 20, Laws of Utah 1998

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

Section 1. Section **59-2-1109** is amended to read:

59-2-1109. Indigent persons -- Deferral or abatement -- Application.

(1) ~~[(No)]~~ A person under the age of 65 years is not eligible for ~~[tax relief,]~~ a deferral[;] or abatement provided for poor people under Sections 59-2-1107 and 59-2-1108 unless:

(a) the county legislative body finds that extreme hardship would prevail if the grants were not made; or

(b) the person is disabled.

(2) (a) An application for the ~~[exemption]~~ deferral or abatement shall be filed on or before September 1 with the county legislative body of the county in which the property is located. The application shall set forth adequate facts to support the person's eligibility to receive the exemption.



28 ~~[(a)]~~ (b) The application shall include a signed statement setting forth the eligibility of the
29 applicant for the ~~[exemption]~~ deferral or abatement.

30 ~~[(b)]~~ (c) Both husband and wife shall sign the application if ~~[they]~~ the husband and wife
31 seek ~~[an exemption]~~ a deferral or abatement on a residence;

32 (i) in which they both reside; and

33 (ii) which they own as joint tenants.

34 ~~(d)~~ (i) For purposes of the abatement provided for in Section 59-2-1107, a county
35 legislative body may extend the deadline for filing under Subsection (2)(a) for a period that does
36 not exceed six months if:

37 (A) the person applying for the abatement paid the taxes due or a portion of the taxes due
38 on the person's property for the calendar year for which the person is applying for the abatement;
39 and

40 (B) the county legislative body determines that good cause exists to extend the deadline.

41 (ii) For a person for which the county legislative body grants a filing extension under
42 Subsection (2)(d)(i), the county legislative body granting an abatement under Section 59-2-1107
43 shall, if the difference is \$1 or more, refund to the person the difference between:

44 (A) the sum of:

45 (I) the amount of the property taxes the person paid for the taxable year for which the
46 person is applying for the abatement; and

47 (II) the amount of the abatement the county legislative body grants under Section
48 59-2-1107; and

49 (B) the amount of taxes due on the person's property for the calendar year for which the
50 person is applying for the abatement.

51 (3) For purposes of this section:

52 (a) a poor person is any person:

53 (i) whose total household income as defined in Section 59-2-1202 is less than the
54 maximum household income certified to a homeowner's credit under Subsection 59-2-1208 (1);

55 (ii) who resides for not less than ten months of each year in the residence for which the tax
56 relief, deferral, or abatement is requested; and

57 (iii) who is unable to meet the tax assessed on the person's residential property as the tax
58 becomes due~~[-];~~ and

59 (b) "residence" includes a mobile home as defined under Section 59-2-601.

60 (4) The commission shall adopt rules to implement this section.

61 (5) Any poor person may qualify for:

62 (a) the deferral of taxes under Section 59-2-1108~~[, or]~~;

63 (b) if the person meets the requisites of this section, for the abatement of taxes under
64 Section 59-2-1107~~[,]~~; or

65 (c) both~~[,]~~;

66 (i) the deferral described in Subsection (5)(a); and

67 (ii) the abatement described in Subsection (5)(b).

68 Section 2. Section **59-2-1206** is amended to read:

69 **59-2-1206. Application for homeowner's credit -- Time for filing -- Payment from**
70 **General Fund.**

71 (1) (a) ~~[Except as provided in Subsection (1)(d), a]~~ A claimant applying for a homeowner's
72 credit shall annually file an application for the credit with the county legislative body before
73 September 1.

74 (b) The application under this section shall:

75 (i) be on forms provided by the commission; and

76 (ii) include a household income statement signed by the claimant stating that:

77 (A) the income statement is correct; and

78 (B) the claimant qualifies for the credit.

79 (c) (i) Subject to ~~[the provisions of]~~ Subsections (1)(c)(ii) and (1)(c)(iii) and Section
80 59-2-1220, a county or the commission shall reduce a claimant's property tax liability for the year
81 in which the claimant applies for a homeowner's credit if the claimant meets the criteria for
82 obtaining a homeowner's credit as provided in this part.

83 (ii) A homeowner's credit under this part may not exceed the claimant's property tax
84 liability for the year in which the claimant applies for a homeowner's credit under this part.

85 (iii) Except as provided in Section 59-2-1220, a county or the commission may not apply
86 a homeowner's credit under this part against a property tax liability that is more than 90 days
87 delinquent.

88 ~~[(d) An eligible claimant who fails to submit an application before the September 1~~
89 ~~deadline may request reimbursement for allowable credit by filing the application form directly~~

90 ~~with the commission on or before December 31.]~~

91 ~~[(e)]~~ (d) A claimant may qualify for a homeowner's credit under this part regardless of
92 whether the claimant owes delinquent property taxes.

93 (2) (a) (i) The county legislative body shall compile a list of claimants and the
94 homeowner's credits granted to the claimants for purposes of obtaining payment from the General
95 Fund for the amount of credits granted.

96 (ii) A county legislative body may not obtain payment from the General Fund for the
97 reduction in fair market value provided for in Subsection 59-2-1202(7).

98 (b) Upon certification by the commission the payment for the credits under this Subsection
99 (2) shall be made to the county on or before January 1 if the list of claimants and the credits
100 granted are received by the commission on or before November 30 of the year in which the credits
101 under this part are granted.

102 (c) If the commission does not receive the list under this Subsection (2) on or before
103 November 30, payment shall be made within 30 days of receipt of the list of claimants and credits
104 from the county.

105 Section 3. Section **59-2-1207** is amended to read:

106 **59-2-1207. Claim applied against tax liability -- One claimant per household per**
107 **year.**

108 (1) The commission or a county ~~[may]~~ shall:

109 ~~(a)~~ apply as provided in Subsection 59-2-1206(1)(c) the amount of a credit under this part
110 against:

111 ~~[(a)]~~ (i) a claimant's property tax liability; or

112 ~~[(b)]~~ (ii) against the property tax liability of a spouse who was a member of the claimant's
113 household in the year in which the claimant applies for a homeowner's credit under this part~~[-]; or~~

114 (b) make a refund to a claimant as provided in Section 59-2-1220.

115 (2) Only one claimant per household per year is entitled to payment under this part.

116 Section 4. Section **59-2-1220** is amended to read:

117 **59-2-1220. Extension of time for filing claim.**

118 ~~[(1) In case of sickness, absence, or other disability, or if, in its judgment, good cause~~
119 ~~exists, the]~~

120 (1) The commission or a county legislative body may extend the time for filing a claim for

121 a period not to exceed six months if the county legislative body or the commission finds that good
122 cause exists to extend the deadline.

123 (2) Notwithstanding Subsection 59-2-1206(1)(c)(iii), if the commission or a county
124 legislative body extends the time for filing a claim under Subsection (1), the commission or the
125 county legislative body may apply a homeowner's credit under this part against a property tax
126 liability that is more than 90 days delinquent.

127 (3) (a) A county legislative body or the commission granting a credit under this part or an
128 abatement in accordance with Subsection 59-2-1202(7) shall refund to a claimant the amount
129 described in Subsection (3)(b) if:

130 (i) the claimant applying for a credit under this part or an abatement in accordance with
131 Subsection 59-2-1202(7) paid the taxes due or a portion of the taxes due on the claimant's property
132 for the calendar year for which the claimant is applying for the credit; and

133 (ii) the difference is \$1 or more.

134 (b) For purposes of Subsection (3)(a), the amount of the refund is the difference between:

135 (i) the sum of:

136 (A) the amount of the property taxes the claimant paid for the taxable year for which the
137 claimant is applying for the credit or abatement; and

138 (B) the total amount of credit or abatement the county legislative body or the commission
139 grants under this part; and

140 (ii) the amount of taxes due on the claimant's property for the calendar year for which the
141 claimant is applying for the credit or abatement.

Legislative Review Note
as of 2-15-01 4:00 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel