

1 **PROPERTY TAX - CIRCUIT BREAKER**

2 **QUALIFYING LIMITS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill increases the homeowner's credit amounts and increases the household income
11 qualifying limits for both the homeowner's credit and the renter's credit.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ increases the homeowner credit amounts that a claimant may claim;
- 15 ▶ increases the household income qualifying limits for the homeowner's credit;
- 16 ▶ increases the household income qualifying limits for the renter's credit; and
- 17 ▶ makes technical changes.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill takes effect on January 1, 2007.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **59-2-1202**, as last amended by Chapter 272, Laws of Utah 2003

25 **59-2-1208**, as last amended by Chapter 272, Laws of Utah 2003

26 **59-2-1209**, as last amended by Chapter 272, Laws of Utah 2003



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

29 Section 1. Section **59-2-1202** is amended to read:

30 **59-2-1202. Definitions.**

31 As used in this part:

32 (1) (a) "Claimant" means a homeowner or renter who:

33 (i) has filed a claim under this part;

34 (ii) is domiciled in this state for the entire calendar year for which a claim for relief is
35 filed under this part; and

36 ~~[(iii) has reached the age of 65 prior to the close of that calendar year.]~~

37 [(iii) before the December 31 of the year for which a claim for relief is filed under this
38 part, is:

39 (A) 65 years of age or older if the person was born on or before December 31, 1942;

40 (B) 66 years of age or older if the person was born on or after January 1, 1943, but on
41 or before December 31, 1959; or

42 (C) 67 years of age or older if the person was born on or after January 1, 1960.

43 (b) A surviving spouse, who otherwise qualifies under this section, is an eligible
44 claimant regardless of age.

45 (c) If two or more individuals of a household are able to meet the qualifications for a
46 claimant, they may determine among them as to who the claimant shall be, but if they are
47 unable to agree, the matter shall be referred to the county legislative body for a determination
48 of the claimant of an owned residence and to the commission for a determination of the
49 claimant of a rented residence.

50 (2) (a) "Gross rent" means rental actually paid in cash or its equivalent solely for the
51 right of occupancy, at arm's-length, of a residence, exclusive of charges for any utilities,
52 services, furniture, furnishings, or personal appliances furnished by the landlord as a part of the
53 rental agreement.

54 (b) If a claimant occupies two or more residences in the year and does not own the
55 residence as of the lien date, "gross rent" means the total rent paid for the residences during the
56 one-year period for which the renter files a claim under this part.

57 (3) "Homeowner's credit" means a credit against a claimant's property tax liability.

58 (4) "Household" means the association of persons who live in the same dwelling,

59 sharing its furnishings, facilities, accommodations, and expenses.

60 (5) "Household income" means all income received by all persons of a household in:

61 (a) the calendar year preceding the calendar year in which property taxes are due; or

62 (b) for purposes of the renter's credit authorized by this part, the year for which a claim
63 is filed.

64 (6) (a) (i) "Income" means the sum of:

65 (A) federal adjusted gross income as defined in Section 62, Internal Revenue Code;

66 and

67 (B) all nontaxable income as defined in Subsection (6)(b).

68 (ii) "Income" does not include:

69 (A) aid, assistance, or contributions from a tax-exempt nongovernmental source;

70 (B) surplus foods;

71 (C) relief in kind supplied by a public or private agency; or

72 (D) relief provided under this part, Section 59-2-1108, or Section 59-2-1109.

73 (b) For purposes of Subsection (6)(a)(i), "nontaxable income" means amounts excluded
74 from adjusted gross income under the Internal Revenue Code, including:

75 (i) capital gains;

76 (ii) loss carry forwards claimed during the taxable year in which a claimant files for
77 relief under this part, Section 59-2-1108, or Section 59-2-1109;

78 (iii) depreciation claimed pursuant to the Internal Revenue Code by a claimant on the
79 residence for which the claimant files for relief under this part, Section 59-2-1108, or Section
80 59-2-1109;

81 (iv) support money received;

82 (v) nontaxable strike benefits;

83 (vi) cash public assistance or relief;

84 (vii) the gross amount of a pension or annuity, including benefits under the Railroad
85 Retirement Act of 1974, 45 U.S.C. Sec. 231 et seq., and veterans disability pensions;

86 (viii) payments received under the Social Security Act;

87 (ix) state unemployment insurance amounts;

88 (x) nontaxable interest received from any source;

89 (xi) workers' compensation;

90 (xii) the gross amount of "loss of time" insurance; and

91 (xiii) voluntary contributions to a tax-deferred retirement plan.

92 (7) (a) "Property taxes accrued" means property taxes, exclusive of special
93 assessments, delinquent interest, and charges for service, levied on a claimant's residence in
94 this state.

95 (b) For a mobile home, "property taxes accrued" includes taxes imposed on both the
96 land upon which the home is situated and on the structure of the home itself, whether classified
97 as real property or personal property taxes.

98 (c) (i) Beginning on January 1, 1999, for a claimant who owns a residence, "property
99 taxes accrued" are the property taxes described in Subsection (7)(a) levied for the calendar year
100 on 35% of the fair market value of the residence as reflected on the assessment roll.

101 (ii) The amount described in Subsection (7)(c)(i) constitutes:

102 (A) a tax abatement for the poor in accordance with Utah Constitution Article XIII,
103 Section 3; and

104 (B) the residential exemption provided for in Section 59-2-103.

105 (d) (i) For purposes of this Subsection (7) property taxes accrued are levied on the lien
106 date.

107 (ii) If a claimant owns a residence on the lien date, property taxes accrued mean taxes
108 levied on the lien date, even if that claimant does not own a residence for the entire year.

109 (e) When a household owns and occupies two or more different residences in this state
110 in the same calendar year, property taxes accrued shall relate only to the residence occupied on
111 the lien date by the household as its principal place of residence.

112 (f) (i) If a residence is an integral part of a large unit such as a farm or a multipurpose
113 or multidwelling building, property taxes accrued shall be the same percentage of the total
114 property taxes accrued as the value of the residence is of the total value.

115 (ii) For purposes of this Subsection (7)(f), "unit" refers to the parcel of property
116 covered by a single tax statement of which the residence is a part.

117 (8) (a) As used in this section, "rental assistance payment" means any payment that:

118 (i) is made by a:

119 (A) governmental entity; or

120 (B) (I) charitable organization; or

121 (II) religious organization; and
 122 (ii) is specifically designated for the payment of rent of a claimant:
 123 (A) for the calendar year for which the claimant seeks a renter's credit under this part;
 124 and
 125 (B) regardless of whether the payment is made to the:
 126 (I) claimant; or
 127 (II) landlord; and
 128 (b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
 129 commission may make rules defining the terms:
 130 (i) "governmental entity";
 131 (ii) "charitable organization"; or
 132 (iii) "religious organization."
 133 (9) (a) "Residence" means the dwelling, whether owned or rented, and so much of the
 134 land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling
 135 as a home, and may consist of a part of a multidwelling or multipurpose building and a part of
 136 the land upon which it is built and includes a mobile home or houseboat.
 137 (b) "Residence" does not include personal property such as furniture, furnishings, or
 138 appliances.
 139 (c) For purposes of this Subsection (9), "owned" includes a vendee in possession under
 140 a land contract or one or more joint tenants or tenants in common.

141 Section 2. Section **59-2-1208** is amended to read:

142 **59-2-1208. Amount of homeowner's credit -- Cost-of-living adjustment --**

143 **Limitation -- General Fund as source of credit.**

144 (1) (a) Subject to Subsection (2), for calendar years beginning on or after January 1,
 145 [~~1998~~] 2007, a claimant may claim a homeowner's credit that does not exceed the following
 146 amounts:

147	If household income is	Homeowner's credit
148	[\$0 -- \$7,358] <u>\$0 -- \$4,123</u>	[\$577] <u>\$811</u>
149	[\$7,359 -- \$9,812] <u>\$4,124 -- \$8,246</u>	[\$504] <u>\$709</u>
150	[\$9,813 -- \$12,264] <u>\$8,247 -- \$12,369</u>	[\$432] <u>\$607</u>
151	[\$12,265 -- \$14,717] <u>\$12,370 -- \$16,492</u>	[\$324] <u>\$456</u>

152 [~~\$14,718 -- \$17,171~~] \$16,493 -- \$20,615 [~~\$252~~] \$354

153 [~~\$17,172 -- \$19,479~~] \$20,616 -- \$24,738 [~~\$144~~] \$203

154 [~~\$19,480 -- \$21,644~~] \$24,739 -- \$28,861 [~~\$71~~] \$100

155 (b) (i) For calendar years beginning on or after January 1, [~~1999~~] 2008, the commission
156 shall increase or decrease the household income eligibility amounts and the credits under
157 Subsection (1)(a) by a percentage equal to the percentage difference between the consumer
158 price index for the preceding calendar year and the consumer price index for calendar year
159 [~~1997~~] 2006.

160 (ii) For purposes of Subsection (1)(b)(i), the commission shall calculate the consumer
161 price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

162 (2) An individual who is claimed as a personal exemption on another individual's
163 individual income tax return during any portion of a calendar year for which the individual
164 seeks to claim a homeowner's credit under this section may not receive the homeowner's credit.

165 (3) The homeowner's credit allowed by this section, and provided for in Section
166 59-2-1204, shall be derived from the General Fund and appropriate transfers made to effectuate
167 this credit.

168 Section 3. Section **59-2-1209** is amended to read:

169 **59-2-1209. Amount of renter's credit -- Cost-of-living adjustment -- Limitation --**
170 **General Fund as source of credit -- Maximum credit -- Renter's credit may be claimed**
171 **only for rent that does not constitute a rental assistance payment.**

172 (1) (a) Subject to Subsections (2) and (3), for [~~any~~] calendar [~~year~~] years beginning on
173 or after January 1, 2007, a claimant may claim a renter's credit for the previous calendar year
174 that does not exceed the following amounts:

If household income is	Percentage of rent allowed as a credit
[\$0 -- \$7,358] <u>\$0 -- \$4,123</u>	9.5%
[\$7,359 -- \$9,812] <u>\$4,124 -- \$8,246</u>	8.5%
[\$9,813 -- \$12,264] <u>\$8,247 -- \$12,369</u>	7.0%
[\$12,265 -- \$14,717] <u>\$12,370 -- \$16,492</u>	5.5%
[\$14,718 -- \$17,171] <u>\$16,493 -- \$20,615</u>	4.0%
[\$17,172 -- \$19,479] <u>\$20,616 -- \$24,738</u>	3.0%

H.B. 55

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The Tax Reform Task Force recommended this bill.

Membership:	13 legislators	2 non-legislators	
Legislative Vote:	12 voting for	0 voting against	1 absent

State Impact

Passage of this bill could reduce the General Fund by \$100,000 beginning in FY 2008.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	(\$100,000)
TOTAL	\$0	\$0	\$0	(\$100,000)

Individual and Business Impact

Eligible individuals could receive a reduction in tax liability.

Office of the Legislative Fiscal Analyst