

PROPERTY TAX AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: Daniel Hemmert

LONG TITLE

Committee Note:

The Revenue and Taxation Interim Committee recommended this bill.

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;
- ▶ codifies the standard of review the State Tax Commission applies in an appeal from a county board of equalization decision; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 This bill provides retrospective operation.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **59-2-109**, as enacted by Laws of Utah 2016, Chapter 392

34 **59-2-303**, as last amended by Laws of Utah 1993, Chapter 245

35 **59-2-311**, as last amended by Laws of Utah 2005, Chapter 182

36 **59-2-919.1**, as last amended by Laws of Utah 2016, Chapter 98

37 **59-2-1004**, as last amended by Laws of Utah 2018, Chapter 277

38 **59-2-1004.5**, as last amended by Laws of Utah 2008, Chapter 382

39 **59-2-1006**, as last amended by Laws of Utah 2013, Chapter 180

40 ENACTS:

41 **59-2-303.2**, Utah Code Annotated 1953



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

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

45 **59-2-109. Burden of proof.**

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

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

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

49 (a) "Final assessed value" means:

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

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

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

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

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

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

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

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

66 (ii) for which:

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

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

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

75 (iii) that, between January 1 of the previous taxable year and January 1 of the current
76 taxable year, has not been improved or changed beyond the improvements in place on January
77 1 of the previous taxable year.

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

80 (a) substantial error in:

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

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

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

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

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

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

90 ~~[(2) Notwithstanding Section 59-1-604, in an action appealing the value of property~~
91 ~~assessed by an assessing authority, the assessing authority has the burden of proof before a~~
92 ~~board of equalization, the commission, or a court of competent jurisdiction, if the assessing~~
93 ~~authority presents evidence or otherwise asserts that the fair market value of the assessed~~
94 ~~property is greater than the value originally assessed by the assessing authority for that calendar~~
95 ~~year.]~~

96 (3) (a) Notwithstanding Section 59-1-604, the party described in Subsection (3)(b)
97 shall carry the burden of proof before a county board of equalization, the commission, or a
98 court of competent jurisdiction in an action appealing or seeking judicial review of the value of
99 property:

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

101 (ii) for which a county assessor, a county board of equalization, or the commission
102 presents evidence or otherwise asserts that the fair market value of the assessed property is
103 greater than the original assessed value for that calendar year.

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

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

106 (A) the county assessor, if the county assessor is a party to the appeal that presents
107 evidence or otherwise asserts that the fair market value of the assessed property is greater than
108 the original assessed value for that calendar year; or

109 (B) the county board of equalization, if the county board of equalization is a party to
110 the appeal that presents evidence or otherwise asserts that the fair market value of the assessed
111 property is greater than the original assessed value for that calendar year; or

112 (ii) for property assessed under Part 2, Assessment of Property, the commission, if the
113 commission is a party to the appeal that presents evidence or otherwise asserts that the fair
114 market value of the assessed property is greater than the original assessed value for that
115 calendar year.

116 (4) (a) The party described in Subsection (4)(b) shall carry the burden of proof before a
117 county board of equalization or the commission in an action appealing the value of qualified
118 real property if at least one party presents evidence of or otherwise asserts a value other than
119 inflation adjusted value.

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

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

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

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

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

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

135 Section 2. Section **59-2-303** is amended to read:

136 **59-2-303. General duties of county assessor.**

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

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

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

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

148 (b) No mistake in the name or address of the owner or supposed owner of property
 149 renders the assessment invalid.

150 (2) If a conveyance of ownership of the real property was recorded in the office of a
 151 county recorder after January 1 but more than 14 calendar days before the day on which the

152 county treasurer mails the tax notice, the county assessor shall assess the property to the new
153 owner.

154 ~~[(2)]~~ (3) A county assessor shall become fully acquainted with all property in ~~[his]~~ the
155 county assessor's county, as provided in Section [59-2-301](#).

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

157 **59-2-303.2. Automatic review of assessed value of review property.**

158 (1) As used in this section:

159 (a) "Final assessed value" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

208 (a) this part;

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

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

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

212 **59-2-311. Completion and delivery of assessment book -- Signed statement**
213 **required -- Contents of signed statement -- Adjustment of assessment in assessment book.**

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

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

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

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

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

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

233 (b) by the county assessor in accordance with Section [59-2-303.2](#).

234 Section 5. Section [59-2-919.1](#) is amended to read:

235 **[59-2-919.1](#). Notice of property valuation and tax changes.**

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

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

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

242 (i) the county board of equalization meets; and

243 (ii) the taxing entity holds a public hearing on the proposed increase in the certified tax
 244 rate;

- 245 (b) be on a form that is:
- 246 (i) approved by the commission; and
- 247 (ii) uniform in content in all counties in the state; and
- 248 (c) contain for each property:
- 249 (i) the assessor's determination of the value of the property;
- 250 (ii) the date the county board of equalization will meet to hear complaints on the
- 251 valuation;
- 252 (iii) itemized tax information for all applicable taxing entities, including:
- 253 (A) the dollar amount of the taxpayer's tax liability for the property in the prior year;
- 254 and
- 255 (B) the dollar amount of the taxpayer's tax liability under the current rate;
- 256 (iv) the tax impact on the property;
- 257 (v) the time and place of the required public hearing for each entity;
- 258 (vi) property tax information pertaining to:
- 259 (A) taxpayer relief;
- 260 (B) options for payment of taxes; and
- 261 (C) collection procedures;
- 262 (vii) information specifically authorized to be included on the notice under this
- 263 chapter;
- 264 (viii) the last property review date of the property as described in Subsection
- 265 [59-2-303.1\(1\)\(c\)](#); and
- 266 (ix) other property tax information approved by the commission.
- 267 (3) If a taxing entity that is subject to the notice and hearing requirements of
- 268 Subsection [59-2-919\(4\)](#) proposes a tax increase, the notice described in Subsection (1) shall
- 269 state, in addition to the information required by Subsection (2):
- 270 (a) the dollar amount of the taxpayer's tax liability if the proposed increase is approved;
- 271 (b) the difference between the dollar amount of the taxpayer's tax liability if the
- 272 proposed increase is approved and the dollar amount of the taxpayer's tax liability under the
- 273 current rate, placed in close proximity to the information described in Subsection (2)(c)(v); and
- 274 (c) the percentage increase that the dollar amount of the taxpayer's tax liability under
- 275 the proposed tax rate represents as compared to the dollar amount of the taxpayer's tax liability

276 under the current tax rate.

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

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

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

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

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

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

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

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

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

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

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

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

305 **59-2-1004. Appeal to county board of equalization -- Real property -- Time**
306 **period for appeal -- Public hearing requirements -- Decision of board -- Extensions**

307 **approved by commission -- Appeal to commission.**

308 (1) As used in this section:

309 (a) "Final assessed value" means:

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

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

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

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

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

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

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

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

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

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

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

332 (i) for which:

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

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

338 value; and

339 (C) the assessed value for the current taxable year is higher than the inflation adjusted

340 value; and

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

344 ~~[(1)]~~ (2) (a) A taxpayer dissatisfied with the valuation or the equalization of the
345 taxpayer's real property may make an application to appeal by:

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

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

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

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

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

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

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

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

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

369 files an appeal with the commission.

370 (iii) A person may not appeal a county assessor's calculation of inflation adjusted
 371 value.

372 ~~[(2)]~~ (3) (a) Except as provided in Subsection ~~[(2)]~~ (3)(b) and for purposes of
 373 Subsection ~~[(1)]~~ (2), a taxpayer shall make an application to appeal the valuation or the
 374 equalization of the taxpayer's real property on or before the later of:

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

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

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

382 ~~[(3)]~~ (4) (a) ~~[The owner]~~ Except as provided in Subsection (4)(b), the taxpayer shall
 383 include in the application under Subsection (1) (2)(a)(i) the [owner's] taxpayer's estimate of
 384 the fair market value of the property and any evidence that may indicate that the assessed
 385 valuation of the [owner's] taxpayer's property is improperly equalized with the assessed
 386 valuation of comparable properties.

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

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

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

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

395 ~~[(4)]~~ (5) In reviewing evidence submitted to a county board of equalization by or on
 396 behalf of an owner or a county assessor, the county board of equalization shall consider and
 397 weigh:

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

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

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

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

407 ~~[(5)]~~ (6) (a) The county board of equalization shall meet and hold public hearings as
408 described in Section 59-2-1001.

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

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

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

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

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

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

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

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

427 (e) Unless the commission approves the extension of a time period under Subsection
428 ~~[(5)]~~ (6)(d), if a county board of equalization fails to make a decision on an appeal within the
429 time period described in Subsection ~~[(5)]~~ (6)(c), the county legislative body shall:

430 (i) list the appeal, by property owner and parcel number, on the agenda for the next

431 meeting the county legislative body holds after the expiration of the time period described in
432 Subsection [~~(5)~~] (6)(c); and

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

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

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

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

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

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

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

449 [~~(6)~~] (7) If any taxpayer is dissatisfied with the decision of the county board of
450 equalization, the taxpayer may file an appeal with the commission as described in Section
451 59-2-1006.

452 [~~(7)~~] (8) A county legislative body may pass a resolution authorizing taxpayers owing
453 taxes on property assessed by that county to file property tax appeals applications under this
454 section by telephone or other electronic means.

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

456 **59-2-1004.5. Valuation adjustment for decrease in taxable value caused by a**
457 **natural disaster.**

458 (1) For purposes of this section:

459 (a) [~~"natural"~~] "Natural disaster" means:

460 (i) an explosion;

461 (ii) fire;

462 (iii) a flood;
 463 (iv) a storm;
 464 (v) a tornado;
 465 (vi) winds;
 466 (vii) an earthquake;
 467 (viii) lightning;
 468 (ix) any adverse weather event; or
 469 (x) any event similar to an event described in this Subsection (1), as determined by the
 470 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 471 Rulemaking Act~~[-and]~~.

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

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

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

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

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

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

490 (b) The county board of equalization shall hold a hearing:
 491 (i) within 30 days ~~[of]~~ after the day on which the county board of equalization receives
 492 the application described in Subsection (4)(a) ~~[is received by the board of equalization]~~; and

493 (ii) following the procedures and requirements of Section 59-2-1001.

494 (c) At the hearing described in Subsection (4)(b), the applicant shall have the burden of
495 proving, by a preponderance of the evidence:

496 (i) that the property sustained a decrease in taxable value, that:

497 (A) was caused by natural disaster damage; and

498 (B) is at least 30% of the taxable value of the property described in this Subsection

499 (4)(c)(i) before the decrease in taxable value described in this Subsection (4)(c)(i);

500 (ii) the amount of the decrease in taxable value described in Subsection (4)(c)(i); and

501 (iii) that the decrease in taxable value described in Subsection (4)(c)(i) is not due to the
502 action or inaction of the applicant.

503 (d) If the county board of equalization determines that the applicant has met the burden
504 of proof described in Subsection (4)(c), the county board of equalization shall reduce the
505 valuation of the property described in Subsection (4)(c)(i) by an amount equal to the decrease
506 in taxable value of the property multiplied by the percentage of the calendar year remaining
507 after the natural disaster damage occurred.

508 (e) The decision of the board of equalization shall be provided to the applicant, in
509 writing, within 30 days ~~[of]~~ after the day on which the county board of equalization concludes
510 the hearing described in Subsection (4)(b) [is concluded].

511 (5) An applicant that is dissatisfied with a decision of the county board of equalization
512 under this section may appeal that decision under Section 59-2-1006.

513 Section 8. Section 59-2-1006 is amended to read:

514 **59-2-1006. Appeal to commission -- Duties of auditor -- Decision by commission.**

515 (1) Any person dissatisfied with the decision of the county board of equalization
516 concerning the assessment and equalization of any property, or the determination of any
517 exemption in which the person has an interest, may appeal that decision to the commission by
518 filing a notice of appeal specifying the grounds for the appeal with the county auditor within 30
519 days after the final action of the county board.

520 (2) The auditor shall:

521 (a) file one notice with the commission;

522 (b) certify and transmit to the commission:

523 (i) the minutes of the proceedings of the county board of equalization for the matter

524 appealed;
525 (ii) all documentary evidence received in that proceeding; and
526 (iii) a transcript of any testimony taken at that proceeding that was preserved; and
527 (c) if the appeal is from a hearing where an exemption was granted or denied, certify
528 and transmit to the commission the written decision of the board of equalization as required by
529 Section [59-2-1102](#).

530 (3) For an appeal from a decision by the county board of equalization, the commission
531 shall make a determination of the fair market value or equalization without regard to a
532 determination of fair market value or equalization made by the county board of equalization.

533 [~~3~~] (4) In reviewing the county board's decision, the commission may:

- 534 (a) admit additional evidence;
- 535 (b) issue orders that it considers to be just and proper; and
- 536 (c) make any correction or change in the assessment or order of the county board of
537 equalization.

538 [~~4~~] (5) In reviewing evidence submitted to the commission by or on behalf of an
539 owner or a county, the commission shall consider and weigh:

- 540 (a) the accuracy, reliability, and comparability of the evidence presented by the owner
541 or the county;
- 542 (b) if submitted, the sales price of relevant property that was under contract for sale as
543 of the lien date but sold after the lien date;
- 544 (c) if submitted, the sales offering price of property that was offered for sale as of the
545 lien date but did not sell, including considering and weighing the amount of time for which,
546 and manner in which, the property was offered for sale; and
- 547 (d) if submitted, other evidence that is relevant to determining the fair market value of
548 the property.

549 [~~5~~] (6) In reviewing the county board's decision, the commission shall adjust property
550 valuations to reflect a value equalized with the assessed value of other comparable properties
551 if:

- 552 (a) the issue of equalization of property values is raised; and
- 553 (b) the commission determines that the property that is the subject of the appeal
554 deviates in value plus or minus 5% from the assessed value of comparable properties.

555 ~~[(6)]~~ (7) The commission shall decide all appeals taken pursuant to this section not
556 later than March 1 of the following year for real property and within 90 days for personal
557 property, and shall report its decision, order, or assessment to the county auditor, who shall
558 make all changes necessary to comply with the decision, order, or assessment.

559 Section 9. **Effective date.**

560 If approved by two-thirds of all the members elected to each house, this bill takes effect
561 upon approval by the governor, or the day following the constitutional time limit of Utah
562 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
563 the date of veto override.

564 Section 10. **Retrospective operation.**

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