

AREA ASSESSMENT CHARGES

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill addresses required language in a property tax notice regarding charges.

Highlighted Provisions:

This bill:

▶ adds a precondition to an existing requirement that a property tax notice include certain language regarding charges; and

▶ limits the amended language requirement to area assessment charges.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

59-2-1317, as last amended by Laws of Utah 2018, Chapter 197

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

Section 1. Section **59-2-1317** is amended to read:

59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for providing notice.

(1) As used in this section, "political subdivision lien" means the same as that term is



28 defined in Section 11-60-102.

29 (2) Subject to the other provisions of this section, the county treasurer shall:

30 (a) collect the taxes and tax notice charges; and

31 (b) provide a notice to each taxpayer that contains the following:

32 (i) the kind and value of property assessed to the taxpayer;

33 (ii) the street address of the property, if available to the county;

34 (iii) that the property may be subject to a detailed review in the next year under Section
35 59-2-303.1;

36 (iv) the amount of taxes levied;

37 (v) a separate statement of the taxes levied only on a certain kind or class of property
38 for a special purpose;

39 (vi) property tax information pertaining to taxpayer relief, options for payment of
40 taxes, and collection procedures;

41 (vii) any tax notice charges applicable to the property, including:

42 (A) if applicable, a political subdivision lien for road damage that a railroad company
43 causes, as described in Section 10-7-30;

44 (B) if applicable, a political subdivision lien for municipal water distribution, as
45 described in Section 10-8-17, or a political subdivision lien for an increase in supply from a
46 municipal water distribution, as described in Section 10-8-19;

47 (C) if applicable, a political subdivision lien for unpaid abatement fees as described in
48 Section 10-11-4;

49 (D) if applicable, a political subdivision lien for the unpaid portion of an assessment
50 assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter
51 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and
52 interest as of the date the local entity certifies the unpaid amount to the county treasurer;

53 (E) if applicable, for a local district in accordance with Section 17B-1-902, a political
54 subdivision lien for an unpaid fee, administrative cost, or interest;

55 (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge
56 as described in Section 17B-2a-506; and

57 (G) if applicable, a political subdivision lien for a contract assessment under a water
58 contract, as described in Section 17B-2a-1007;

59 (viii) if a county's tax notice includes an assessment area charge, a statement that, due
60 to potentially ongoing assessment area charges, costs, penalties, and interest, payment of a tax
61 notice charge may not:

62 (A) pay off the full amount the property owner owes to the tax notice entity; or

63 (B) cause a release of the lien underlying the tax notice charge;

64 (ix) the date the taxes and tax notice charges are due;

65 (x) the street address at which the taxes and tax notice charges may be paid;

66 (xi) the date on which the taxes and tax notice charges are delinquent;

67 (xii) the penalty imposed on delinquent taxes and tax notice charges;

68 (xiii) a statement that explains the taxpayer's right to direct allocation of a partial
69 payment in accordance with Subsection (9);

70 (xiv) other information specifically authorized to be included on the notice under this
71 chapter; and

72 (xv) other property tax information approved by the commission.

73 (3) (a) Unless expressly allowed under this section or another statutory provision, the
74 treasurer may not add an amount to be collected to the property tax notice.

75 (b) If the county treasurer adds an amount to be collected to the property tax notice
76 under this section or another statutory provision that expressly authorizes the item's inclusion
77 on the property tax notice:

78 (i) the amount constitutes a tax notice charge; and

79 (ii) (A) the tax notice charge has the same priority as property tax; and

80 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
81 Section [59-2-1343](#).

82 (4) For any property for which property taxes or tax notice charges are delinquent, the
83 notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent
84 on this parcel."

85 (5) Except as provided in Subsection (6), the county treasurer shall:

86 (a) mail the notice required by this section, postage prepaid; or

87 (b) leave the notice required by this section at the taxpayer's residence or usual place of
88 business, if known.

89 (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at

90 the county treasurer's discretion, provide the notice required by this section by electronic mail if
91 a taxpayer makes an election, according to procedures determined by the county treasurer, to
92 receive the notice by electronic mail.

93 (b) A taxpayer may revoke an election to receive the notice required by this section by
94 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

95 (c) A revocation of an election under this section does not relieve a taxpayer of the
96 duty to pay a tax or tax notice charge due under this chapter on or before the due date for
97 paying the tax or tax notice charge.

98 (d) A county treasurer shall provide the notice required by this section using a method
99 described in Subsection (5), until a taxpayer makes a new election in accordance with this
100 Subsection (6), if:

101 (i) the taxpayer revokes an election in accordance with Subsection (6)(b) to receive the
102 notice required by this section by electronic mail; or

103 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

104 (e) A person is considered to be a taxpayer for purposes of this Subsection (6)
105 regardless of whether the property that is the subject of the notice required by this section is
106 exempt from taxation.

107 (7) (a) The county treasurer shall provide the notice required by this section to a
108 taxpayer on or before November 1.

109 (b) The county treasurer shall keep on file in the county treasurer's office the
110 information set forth in the notice.

111 (c) The county treasurer is not required to mail a tax receipt acknowledging payment.

112 (8) This section does not apply to property taxed under Section [59-2-1302](#) or
113 [59-2-1307](#).

114 (9) (a) A taxpayer who pays less than the full amount due on the taxpayer's property tax
115 notice may, on a form provided by the county treasurer, direct how the county treasurer
116 allocates the partial payment between:

117 (i) the total amount due for property tax;

118 (ii) the amount due for assessments, past due local district fees, and other tax notice
119 charges; and

120 (iii) any other amounts due on the property tax notice.

121 (b) The county treasurer shall comply with a direction submitted to the county treasurer
122 in accordance with Subsection (9)(a).

123 (c) The provisions of this Subsection (9) do not:

124 (i) affect the right or ability of a local entity to pursue any available remedy for
125 non-payment of any item listed on a taxpayer's property tax notice; or

126 (ii) toll or otherwise change any time period related to a remedy described in
127 Subsection (9)(c)(i).