

26 59-2-1804, as enacted by Laws of Utah 2019, Chapter 453



27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section 59-2-1801 is amended to read:

30 **59-2-1801. Definitions.**

31 As used in this part:

32 (1) "Abatement" means a tax abatement described in Section 59-2-1803.

33 (2) "Deferral" means a tax deferral described in Section 59-2-1802.

34 (3) "Eligible owner" means an owner of an attached or a detached single-family
35 residence:

36 (a) who is ~~H~~ → [~~S~~ → [~~75~~] 70 ← ~~S~~] 75 ← ~~H~~ years old or older on or before December 31 of the
36a1 year for

36a which the
37 individual applies for a deferral under this part; and

38 (b) whose household income, as defined in Section 59-2-1202, does not exceed 200%
39 of the maximum household income certified to a homeowner's credit described in Section
40 59-2-1208.

41 ~~(3)~~ (4) "Indigent individual" is a poor individual as described in Utah Constitution,
42 Article XIII, Section 3, Subsection (4), who:

43 (a) (i) is at least 65 years old; or

44 (ii) is less than 65 years old and:

45 (A) the county finds that extreme hardship would prevail on the individual if the
46 county does not defer or abate the individual's taxes; or

47 (B) the individual has a disability;

48 (b) has a total household income, as defined in Section 59-2-1202, of less than the
49 maximum household income certified to a homeowner's credit described in [~~Subsection~~
50 ~~59-2-1208(1)~~] Section 59-2-1208;

51 (c) resides for at least 10 months of the year in the residence that would be subject to
52 the requested abatement or deferral; and

53 (d) cannot pay the tax assessed on the individual's residence when the tax becomes due.

54 ~~(4)~~ (5) "Property taxes due" means the taxes due on an indigent individual's property:

55 (a) for which a county granted an abatement under Section 59-2-1803; and

56 (b) for the calendar year for which the county grants the abatement.

88 (i) an eligible owner; or

89 (ii) a trust described in Section 59-2-1805 for which the grantor is an eligible owner;

90 (b) the single family residence was the eligible owner's primary residence as of January
 91 1 of the year for which the eligible owner applies for a deferral;

92 (c) (i) subject to Subsection (5), the value of the single-family residence for the year for
 93 which the eligible owner applies for a deferral is no greater than 100% of the median property
 94 value of attached and detached single-family residences within the county; or

95 (ii) the eligible owner has owned the single-family residence for a continuous ~~H~~ → [\$ → {20}

95a1 ~~15~~

95a ~~←\$] 20 ←H~~ -year

96 period as of January 1 of the year for which the eligible owner applies for a deferral; and

97 (d) the holder of each mortgage or trust deed outstanding on the single-family
 98 residence gives written approval of the deferral.

99 (5) The values described in Subsection (4)(c) are based on the county assessment roll
 100 for the county in which the single-family residence is located.

101 (6) For purposes of Subsection (4)(c)(ii), if a single-family residence is transferred
 102 between an eligible owner and a trust described in Section 59-2-1805, ownership is considered
 103 continuous if the eligible owner is the grantor of the trust.

104 ~~[(3)]~~ (7) Taxes deferred by the county accumulate with interest as a lien against the
 105 residential property, as described in Subsection ~~[(4)]~~ (8), until the owner sells or otherwise
 106 disposes of the residential property.

107 ~~[(4)]~~ (8) Deferred taxes under this section:

108 ~~[(a) bear interest at an interest rate equal to the lesser of:]~~

109 ~~[(i) 6%; or]~~

110 ~~[(ii) the federal funds rate target:]~~

111 ~~[(A) established by the Federal Open Markets Committee; and]~~

112 ~~[(B) that exists on the January 1 immediately preceding the day on which the taxes are~~
 113 ~~deferred; and]~~

114 (a) bear interest at an interest rate equal to 50% of the rate described in Subsections
 115 59-2-1331(2)(c) and (d); and

116 (b) have the same status as a lien as described in Sections 59-2-1301 and 59-2-1325.

117 ~~[(5)]~~ (9) If the owner of residential property that is granted deferral under this section is
 118 an indigent individual, during the period of deferral the county may not subject the residential