

Representative Douglas R. Welton proposes the following substitute bill:

TAX SALE NOTICE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions related to a notice of a tax sale.

Highlighted Provisions:

This bill:

▶ as an alternative to certified mail, allows a county auditor to send a notice of a tax sale by any delivery service that includes tracking and delivery confirmation.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

59-2-1351, as last amended by Laws of Utah 2021, Chapter 386

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

Section 1. Section **59-2-1351** is amended to read:

59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.

(1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor



26 shall select a date for the tax sale for all real property:

27 (i) on which a tax or tax notice charge delinquency exists;

28 (ii) that was not previously redeemed; and

29 (iii) upon which the period of redemption is expiring in the nearest tax sale.

30 (b) The county auditor shall conduct the tax sale in May or June of the current year.

31 (c) The tax sale may occur:

32 (i) at the front door of the county courthouse in the county where the real property is
33 located; or

34 (ii) through an electronic process if:

35 (A) the tax sale occurs in the same format as a tax sale would occur at the front door of
36 the county courthouse except that participation is through an electronic means;

37 (B) members of the public are able to observe and participate, including making bids
38 and payment arrangements, in the tax sale; and

39 (C) the county auditor includes information about how the public may access the tax
40 sale through the electronic process with the description of the place of the tax sale in the notice
41 provided in accordance with Subsections (2) and (3).

42 (2) The county auditor shall provide notice of the tax sale as follows:

43 (a) send by certified and first class mail, or by first class mail and another shipping
44 service that includes tracking and delivery confirmation, to the last-known recorded owner, the
45 occupant of any improved property, and all other interests of record, as of the preceding March
46 15, at the last-known addresses; and

47 (b) publish:

48 (i) four times in a newspaper published and having general circulation in the county,
49 once in each of four successive weeks immediately preceding the date of sale; and

50 (ii) in accordance with Section 45-1-101 for four weeks immediately preceding the
51 date of sale; and

52 (c) if no newspaper is published in the county, post in five public places in the county,
53 as determined by the auditor, at least 25 but no more than 30 days before the date of sale.

54 (3) The notice shall be in substantially the following form:

55 NOTICE OF TAX SALE

56 Notice is hereby given that on _____(month\day\year), at ___ o'clock __. m., at

57 [the physical or electronic address of the tax sale], I will offer for sale at public auction and sell
58 to the highest bidder for cash, under the provisions of Section 59-2-1351.1, the following
59 described real property located in the county and now delinquent and subject to tax sale. A bid
60 for less than the total amount of taxes, tax notice charges, interest, penalty, and administrative
61 costs which are a charge upon the real estate will not be accepted.

62 (Here describe the real estate)

63 IN WITNESS WHEREOF I have hereunto set my hand and official seal on

64 _____ (month\day\year).

65 _____
66 County Auditor

67 _____
68 County

69 (4) (a) The notice sent [~~by certified mail~~] in accordance with Subsection (2)(a) shall
70 include:

- 71 (i) the name and last-known address of the last-known recorded owner of the property
- 72 to be sold;
- 73 (ii) the parcel, serial, or account number of the delinquent property; and
- 74 (iii) the legal description of the delinquent property.

75 (b) The notice published in a newspaper in accordance with Subsection (2)(b) shall
76 include:

- 77 (i) the name and last-known address of the last-known recorded owner of each parcel
- 78 of property to be sold; and
- 79 (ii) the street address or the parcel, serial, or account number of the delinquent parcels.

80 **Section 2. Effective date.**

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