

HB0260S01 compared with HB0260

~~deleted text~~ shows text that was in HB0260 but was deleted in HB0260S01.

inserted text shows text that was not in HB0260 but was inserted into HB0260S01.

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Representative Joel K. Briscoe proposes the following substitute bill:

PROPERTY TAX INCOME REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Property Tax Act.

Highlighted Provisions:

This bill:

- ▶ increases the income limit for a claimant to qualify for a homeowner's credit;
- ▶ increases the income limit for a claimant to qualify for a renter's credit; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides retrospective operation.

Utah Code Sections Affected:

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AMENDS:

59-2-1208, as last amended by Laws of Utah 2021, Chapter 391

59-2-1209, as last amended by Laws of Utah 2022, Chapter 196

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

Section 1. Section **59-2-1208** is amended to read:

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

Limitation -- General Fund as source of credit.

(1) (a) Subject to [Subsections] Subsection (2) [and (4)], for a calendar year beginning on or after January 1, [2021] 2023, a claimant may claim a homeowner's credit that does not exceed the following amounts:

{
}

If household income is	Homeowner's credit
\$0 -- (\$)[<u>\$11,785</u>] <u>\$16,000</u>	[\$1,027] <u>\$1,186</u>
(\$)[<u>\$11,786</u>] <u>\$16,001</u> --	[\$896] <u>\$1,041</u>
\$1,001 -- [\$15,716] <u>\$21,500</u>	
(\$)[<u>\$15,717</u>] <u>\$21,501</u> --	[\$768] <u>\$899</u>
(\$)[<u>\$19,643</u>] <u>\$27,000</u>	
(\$)[<u>\$19,644</u>] <u>\$27,001</u> --	[\$575] <u>\$685</u>
\$1,001 -- [\$23,572] <u>\$32,500</u>	
(\$)[<u>\$23,573</u>] <u>\$32,501</u> --	[\$448] <u>\$545</u>
\$1,501 -- [\$27,503] <u>\$38,000</u>	
(\$)[<u>\$27,504</u>] <u>\$38,001</u> --	[\$256] <u>\$332</u>
\$1,001 -- [\$31,198] <u>\$44,000</u>	
(\$)[<u>\$31,199</u>] <u>\$44,001</u> -- 1,001 --	[\$126] <u>\$188</u>
(\$)[<u>\$34,666</u>] <u>\$50,000</u>	

{

{ (b) For a calendar year beginning on or after January 1, [2022] 2024, the commission shall increase or decrease the household income eligibility amounts and the credits under Subsection (1)(a) by a percentage equal to the percentage difference between the consumer

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price index housing for the preceding calendar year and the consumer price index housing for calendar year ~~[2020]~~ 2022.

(2) (a) An individual may not receive the homeowner's credit under this section or the tax relief described in Subsection 59-2-1202(10)(a) on 20% of the fair market value of the residence if:

(i) the individual is claimed as a personal exemption on another individual's federal income tax return during any portion of a calendar year for which the individual seeks to claim the homeowner's credit under this section;

(ii) the individual is a dependent with respect to whom another individual claims a tax credit under Section 24(h)(4), Internal Revenue Code, during any portion of a calendar year for which the individual seeks to claim the homeowner's credit under this section; or

(iii) the individual did not own the residence for the entire calendar year for which the individual claims the homeowner's credit.

(b) For a calendar year in which a residence is sold, the amount received as a homeowner's credit under this section or as tax relief described in Subsection 59-2-1202(10)(a) on 20% of the fair market value of the residence shall be repaid to the county on or before the day on which the sale of the residence closes.

(3) A payment for a homeowner's credit allowed by this section, and provided for in Section 59-2-1204, shall be paid from the General Fund.

~~[(4) For a calendar year that begins on or after January 1, 2018, after the commission has adjusted the homeowner credit amount under Subsection (1)(b), the commission shall increase each homeowner credit amount under Subsection (1) by the following amounts:]~~

~~[(a) for a calendar year that begins on January 1, 2018, \$14;]~~

~~[(b) for a calendar year that begins on January 1, 2019, \$22;]~~

~~[(c) for a calendar year that begins on January 1, 2020, \$31;]~~

~~[(d) for a calendar year that begins on January 1, 2021, \$40; and]~~

~~[(e) for a calendar year that begins on or after January 1, 2022, \$49.]~~

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

59-2-1209. Amount of renter's credit -- Cost-of-living adjustment -- Renter's credit may be claimed only for gross rent that does not constitute a rental assistance payment -- Calculation of credit when rent includes utilities -- Limitation -- General Fund

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as source of credit -- Maximum credit.

(1) (a) Subject to Subsections (2) and (3), for a calendar year beginning on or after January 1, ~~[2021]~~ 2023, a claimant may claim a renter's credit for the previous calendar year that does not exceed the following amounts:

†

If household income is	Percentage of gross rent allowed as a credit
\$0 -- †\$ [\$11,785] <u>\$16,000</u>	9.5%
†\$ [\$11,786] <u>\$16,001</u> --	8.5%
†\$ [\$15,716] <u>\$21,500</u>	
†\$ [\$15,717] <u>\$21,501</u> --	7.0%
†\$ [\$19,643] <u>\$27,000</u>	
†\$ [\$19,644] <u>\$27,001</u> --	5.5%
†\$ [\$23,572] <u>\$32,500</u>	
†\$ [\$23,573] <u>\$32,501</u> --	4.0%
†\$ [\$27,503] <u>\$38,000</u>	
†\$ [\$27,504] <u>\$38,001</u> -- †\$	3.0%
†\$ [\$31,198] <u>\$44,000</u>	
†\$ [\$31,199] <u>\$44,001</u> -- †\$	2.5%
†\$ [\$34,666] <u>\$50,000</u>	

†

† (b) For a calendar year beginning on or after January 1, ~~[2022]~~ 2024, the commission shall increase or decrease the household income eligibility amounts under Subsection (1)(a) by a percentage equal to the percentage difference between the consumer price index housing for the preceding calendar year and the consumer price index housing for calendar year ~~[2020]~~ 2022.

(2) A claimant may claim a renter's credit under this part only for gross rent that does not constitute a rental assistance payment.

(3) For purposes of calculating gross rent when a claimant's rent includes electricity or natural gas and the utility amount is not itemized in the statement provided in accordance with

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Section 59-2-1213, the commission shall deduct from rent:

- (a) 7% of rent if the rent includes electricity or natural gas but not both; or
- (b) 13% of rent if the rent includes both electricity and natural gas.
- (4) An individual may not receive the renter's credit under this section if the individual

is:

- (a) claimed as a personal exemption on another individual's federal income tax return during any portion of a calendar year for which the individual seeks to claim the renter's credit under this section; or

- (b) a dependent with respect to whom another individual claims a tax credit under Section 24(h)(4), Internal Revenue Code, during any portion of a calendar year for which the individual seeks to claim the renter's credit under this section.

- (5) A payment for a renter's credit allowed by this section, and provided for in Section 59-2-1204, shall be paid from the General Fund.

- (6) A credit under this section may not exceed the maximum amount allowed as a homeowner's credit for each income bracket under Subsection 59-2-1208(1)(a).

Section 3. **Retrospective operation.**

This bill has retrospective operation for a taxable year beginning on or after January 1, 2023.