

**Senator Wayne A. Harper** proposes the following substitute bill:

**PROPERTY TAX ASSESSMENT AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to property tax assessment.

**Highlighted Provisions:**

This bill:

- ▶ provides additional remedies for a property owner who experiences an increase in valuation over a certain threshold solely due to valuation when there are no significant changes to the property;
- ▶ requires reporting to the State Tax Commission and the Revenue and Taxation Interim Committee when a county values property over the threshold;
- ▶ modifies the burdens of proof for parties to an appeal at the county board of equalization and State Tax Commission;
- ▶ directs county assessors in rural areas to seek assistance in the assessment process;
- ▶ requires a county assessor to classify types of real property for purposes of property tax assessments and provides that the classification is public information;
- ▶ provides that the State Tax Commission will conduct an education and training program for county assessors;
- ▶ provides for a penalty for a county assessor who fails to comply with the education and training requirement;



- 26           ▶ establishes when a tax is delinquent after receiving a deferral for property with an
- 27 increase in valuation over a certain threshold;
- 28           ▶ provides for posting of payment when a partial payment is made on property subject
- 29 to deferral; and
- 30           ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           This bill provides retrospective operation.

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37           **59-2-303**, as last amended by Laws of Utah 2019, Chapter 16
- 38           **59-2-303.1**, as last amended by Laws of Utah 2016, Chapter 135
- 39           **59-2-703**, as last amended by Laws of Utah 2008, Chapter 382
- 40           **59-2-1004**, as last amended by Laws of Utah 2022, Chapter 168
- 41           **59-2-1008**, as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 42           **59-2-1330**, as last amended by Laws of Utah 2015, Chapter 201
- 43           **59-2-1331**, as last amended by Laws of Utah 2018, Chapter 197
- 44           **59-2-1343**, as last amended by Laws of Utah 2018, Chapter 197
- 45           **59-2-1801**, as last amended by Laws of Utah 2023, Chapter 354

46 ENACTS:

- 47           **59-2-303.3**, Utah Code Annotated 1953
- 48           **59-2-702.5**, Utah Code Annotated 1953
- 49           **59-2-1006.1**, Utah Code Annotated 1953
- 50           **59-2-1802.1**, Utah Code Annotated 1953

51 REPEALS AND REENACTS:

- 52           **59-2-109**, as last amended by Laws of Utah 2023, Chapter 471



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

55           Section 1. Section **59-2-109** is repealed and reenacted to read:

56           **59-2-109. Burden of proof.**

57 (1) The provisions of this section apply to a hearing that occurs on or after May 1,  
58 2024.

59 (2) For an appeal to the commission involving the valuation or equalization of real  
60 property assessed under Part 2, Assessment of Property, the party carrying the burden of proof  
61 shall demonstrate:

62 (a) substantial error in the original assessed value; and

63 (b) a sound evidentiary basis to support the value the party requests.

64 (3) (a) For an appeal to the county board of equalization or the commission involving  
65 the valuation or equalization of real property assessed under Part 3, County Assessment, the  
66 party carrying the burden of proof shall demonstrate:

67 (i) except as provided in Subsection (3)(b), substantial error in:

68 (A) the original assessed value in an appeal to the county board of equalization; or

69 (B) the value set by the county board of equalization in an appeal to the commission;

70 and

71 (ii) a sound evidentiary basis to support the value the party requests.

72 (b) The party carrying the burden of proof does not have to show substantial error as  
73 required by Subsection (3)(a)(i) if the party is requesting:

74 (i) the original assessed value in an appeal to the county board of equalization; or

75 (ii) the value set by the county board of equalization in an appeal to the commission.

76 (4) For property assessed under Part 2, Assessment of Property, the commission has the  
77 burden of proof, if the commission is a party to the appeal that asserts that the fair market value  
78 of the assessed property is greater than the original assessed value for that calendar year.

79 (5) For property assessed under Part 3, County Assessment, the following shall carry  
80 the burden of proof before a county board of equalization or the commission:

81 (a) the county assessor or the county board of equalization that is a party to the appeal  
82 has the burden of proof to support the value the county assessor or the county board of  
83 equalization requests; and

84 (b) the taxpayer that is a party to the appeal has the burden of proof to support the  
85 value the taxpayer requests.

86 (6) For an appeal to the commission of the valuation or equalization of real property  
87 that is eligible for a deferral under Section [59-2-1802.1](#) for the calendar year that begins on

88 January 1, 2023, the following shall carry the burden of proof:

89 (a) the county board of equalization that is a party to the appeal has the burden of proof  
90 to support the value the county assessor of the county board of equalization requests; and

91 (b) the taxpayer that is a party to the appeal has the burden of proof to support the  
92 value the taxpayer requests.

93 (7) A preponderance of the evidence suffices to sustain the burden for all parties.

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

95 **59-2-303. General duties of county assessor.**

96 (1) (a) Before May 22 each year, the county assessor shall:

97 (i) ascertain the names of the owners of all property that is subject to taxation by the  
98 county;

99 (ii) except as provided in Subsection (2), assess the property to the owner, claimant of  
100 record, or occupant in possession or control at midnight on January 1 of the taxable year; and

101 (iii) conduct the review process described in Section [59-2-303.2](#).

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

104 (2) If a conveyance of ownership of the real property was recorded in the office of a  
105 county recorder after January 1 but more than 14 calendar days before the day on which the  
106 county treasurer mails the tax notice, the county assessor shall assess the property to the new  
107 owner.

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

110 (4) A county assessor in a county of the third, fourth, fifth, or sixth class shall seek  
111 assistance from other county assessors or an appraiser contracted in accordance with Section  
112 [59-2-703](#) for the county assessor to meet the requirements of Section [59-2-303.1](#).

113 Section 3. Section **59-2-303.1** is amended to read:

114 **59-2-303.1. Mandatory cyclical appraisals.**

115 (1) For purposes of this section:

116 (a) "Corrective action" includes:

117 (i) factoring pursuant to Section [59-2-704](#);

118 (ii) notifying the state auditor that the county failed to comply with the requirements of

119 this section; or

120 (iii) filing a petition for a court order requiring a county to take action.

121 (b) "Mass appraisal system" means a computer assisted mass appraisal system that:

122 (i) a county assessor uses to value real property; and

123 (ii) includes at least the following system features:

124 (A) has the ability to update all parcels of real property located within the county each  
125 year;

126 (B) can be programmed with specialized criteria;

127 (C) provides uniform and equal treatment of parcels within the same class of real  
128 property throughout the county; and

129 (D) annually updates all parcels of residential real property within the county using  
130 accepted valuation methodologies as determined by rule.

131 (c) "Property review date" means the date a county assessor completes a detailed  
132 review of the property characteristics of a parcel of real property in accordance with Subsection  
133 (3)(a).

134 (2) (a) The county assessor shall annually update property values of property as  
135 provided in Section 59-2-301 based on a systematic review of current market data.

136 (b) The county assessor shall conduct the annual update described in Subsection (2)(a)  
137 by using a mass appraisal system [~~on or before the following:~~].

138 [~~(i) for a county of the first class, January 1, 2009;~~]

139 [~~(ii) for a county of the second class, January 1, 2011;~~]

140 [~~(iii) for a county of the third class, January 1, 2014; and~~]

141 [~~(iv) for a county of the fourth, fifth, or sixth class, January 1, 2015.~~]

142 (c) The county assessor and the commission shall jointly certify that the county's mass  
143 appraisal system meets the requirements:

144 (i) described in Subsection (1)(b); and

145 (ii) of the commission.

146 (3) (a) In addition to the requirements in Subsection (2), the county assessor shall  
147 complete a detailed review of property characteristics for each property at least once every five  
148 years.

149 (b) The county assessor shall maintain on the county's [~~computer~~] mass appraisal

150 system, a record of the last property review date for each parcel of real property located within  
151 the county assessor's county.

152 (c) (i) The county assessor shall maintain on the county's mass appraisal system a  
153 parcel's property tax class or category that is used for the purpose of property tax assessment on  
154 the annual assessment date.

155 (ii) The classifications or categories of real property under Subsection (3)(c)(i) shall  
156 include, at minimum:

157 (A) primary residential;

158 (B) commercial;

159 (C) vacant land;

160 (D) secondary residential; and

161 (E) non-taxable.

162 (iii) The classifications or categories of real property used by the county assessor, and  
163 the classification or category applied to a specific parcel, is public information.

164 (4) (a) The commission shall take corrective action if the commission determines that:

165 (i) a county assessor has not satisfactorily followed the current mass appraisal  
166 standards, as provided by law;

167 (ii) the sales-assessment ratio, coefficients of dispersion, or other statistical measures  
168 of appraisal performance related to the studies required by Section 59-2-704 are not within the  
169 standards provided by law; or

170 (iii) the county assessor has failed to comply with the requirements of this section.

171 (b) If a county assessor fails to comply with the requirements of this section for one  
172 year, the commission shall assist the county assessor in fulfilling the requirements of  
173 Subsections (2) and (3).

174 (c) If a county assessor fails to comply with the requirements of this section for two  
175 consecutive years, the county will lose the county's allocation of the revenue generated  
176 statewide from the imposition of the multicounty assessing and collecting levy authorized in  
177 Sections 59-2-1602 and 59-2-1603.

178 (d) If a county loses its allocation of the revenue generated statewide from the  
179 imposition of the multicounty assessing and collecting levy described in Subsection (4)(c), the  
180 revenue the county would have received shall be distributed to the Multicounty Appraisal Trust

181 created by interlocal agreement by all counties in the state.

182 (5) (a) On or before July 1, 2008, the county assessor shall prepare a five-year plan to  
183 comply with the requirements of Subsections (2) and (3).

184 (b) The plan shall be available in the county assessor's office for review by the public  
185 upon request.

186 (c) The plan shall be annually reviewed and revised as necessary.

187 (6) (a) A county assessor shall create, maintain, and regularly update a database  
188 containing the following information that the county assessor may use to enhance the county's  
189 ability to accurately appraise and assess property on an annual basis:

190 [~~(a)~~] (i) fee and other appraisals;

191 [~~(b)~~] (ii) property characteristics and features;

192 [~~(c)~~] (iii) property surveys;

193 [~~(d)~~] (iv) sales data; and

194 [~~(e)~~] (v) any other data or information on sales, studies, transfers, changes to property,  
195 or property characteristics.

196 (b) A county assessor may provide access to the information in the database to another  
197 county assessor that requests assistance in accordance with Section 59-2-303.

198 Section 4. Section 59-2-303.3 is enacted to read:

199 **59-2-303.3. Automatic review for property with 150% or more valuation increase.**

200 (1) As used in this section, "qualifying increase" means a valuation increase that is  
201 equal to or more than 150% higher than the previous year's valuation for property that:

202 (a) is county assessed; and

203 (b) on or after January 1 of the previous year and before January 1 of the current year,  
204 has not had:

205 (i) a physical improvement if the fair market value of the physical improvement  
206 increases enough to result in the valuation increase solely as a result of the physical  
207 improvement;

208 (ii) a zoning change if the fair market value of the real property increases enough to  
209 result in the valuation increase solely as a result of the zoning change; or

210 (iii) a change in the legal description of the real property, if the fair market value of the  
211 real property increases enough to result in the valuation increase solely as a result of the change

212 in the legal description of the real property.

213 (2) (a) For the calendar year beginning on January 1, 2023, the county assessor shall  
214 review the assessment of the property with a qualifying increase on or before May 31, 2024.

215 (b) For a calendar year beginning on or after January 1, 2024, the county assessor shall  
216 review the assessment of a property with a qualifying increase before delivery of the  
217 assessment book to the county auditor in accordance with Section [59-2-311](#).

218 (c) The county assessor shall retain a record of the properties for which the county  
219 assessor conducts a review in accordance with this Subsection (2) and the results of that  
220 review.

221 (3) (a) When the county assessor conducts the review described in Subsection (2):

222 (i) if the county assessor determines that the assessed value of the property reflects the  
223 property's fair market value, the county assessor may not adjust the property's assessed value;

224 or

225 (ii) if the county assessor determines that the assessed value of the property does not  
226 reflect the review property's fair market value, the county assessor shall adjust the assessed  
227 value of the review property to reflect the fair market value.

228 (b) If a county assessor makes an adjustment under Subsection (3)(a) for the calendar  
229 year beginning on January 1, 2023, the county legislative body shall authorize a refund of the  
230 property tax that is overpaid as a result of the adjustment.

231 (4) (a) Upon completing the review described in Subsection (2), the county assessor  
232 shall report to the commission:

233 (i) the number of properties that:

234 (A) required a review in accordance with Subsection (2); and

235 (B) the county reduced the value as a result of the review; and

236 (ii) the parcel number of any property:

237 (A) that required a review in accordance with Subsection (2);

238 (B) that has an increase in value of \$50,000 or more; and

239 (C) for which the county assessor did not reduce value.

240 (b) (i) A county that has any property subject to a review in accordance with this  
241 section for two consecutive years shall report to the Revenue and Taxation Interim Committee:

242 (A) at the same meeting or a meeting after the meeting during which the commission



243 makes the report described in Section 59-2-1008;

244 (B) in the same year as the commission report; and

245 (C) on the number of properties with a qualifying increase and the reasons for the  
246 qualifying increases.

247 (ii) The requirement to report applies if the county has a property that is subject to  
248 review under this section in each of two consecutive years regardless of whether the property  
249 that is subject to review is the same property for each year.

250 (iii) The requirement to report does not apply if the qualifying increase is less than  
251 \$50,000.

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

255 (a) this part;

256 (b) Chapter 1, Part 6, Judicial Review; or

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

258 Section 5. Section **59-2-702.5** is enacted to read:

259 **59-2-702.5. Education and training for county assessors.**

260 (1) (a) The commission shall conduct a program of education and training for county  
261 assessors that offers instruction on:

262 (i) a county assessor's statutory obligations; and

263 (ii) the practical application of mass appraisal techniques to satisfy a county assessor's  
264 statutory obligations.

265 (b) The commission shall confer a designation of completion upon a county assessor  
266 each time that the county assessor completes the program under Subsection (1)(a).

267 (2) (a) A county assessor shall obtain a designation of completion under Subsection  
268 (1)(b) within 12 months after the day on which the county assessor starts a term of office.

269 (b) If a county assessor fails to obtain a designation of completion, the commission  
270 shall take corrective action, as defined in Section 59-2-303.1.

271 Section 6. Section **59-2-703** is amended to read:

272 **59-2-703. Commission to assist county assessors -- Appraisers provided upon**  
273 **request -- Costs of services -- Contingency fee arrangements prohibited.**

274 (1) (a) The commission shall, upon request and pursuant to mutual agreement, provide  
275 county assessors with technical assistance and appraisal aid.

276 (b) ~~[(h)]~~ The commission shall provide certified or licensed appraisers who, upon  
277 request of the county assessor and pursuant to mutual agreement, shall perform appraisals of  
278 property and other technical services as needed by the county assessor.

279 (c) The commission shall calculate the costs of these services ~~[shall be computed by~~  
280 ~~the commission upon the basis of]~~ based on the number of days of services rendered.

281 (d) Each county shall pay to the commission 50% of the cost of the services ~~[which~~  
282 ~~they receive]~~ that the county receives.

283 (2) (a) Both the commission and counties may contract with a private firm or an  
284 individual to conduct appraisals.

285 (b) A county assessor may request the private firm or individual conducting appraisals  
286 to assist the county assessor in meeting the requirements of Section [59-2-303.1](#).

287 ~~[(b)]~~ (c) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
288 Management Act, the commission and counties may disclose the name of the taxpayer and the  
289 taxpayer's address to the contract appraiser.

290 (ii) A private appraiser is subject to the confidentiality requirements and penalty  
291 provisions provided in Title 63G, Chapter 2, Part 8, Remedies.

292 ~~[(c)]~~ (d) (i) Neither the commission nor a county may contract with a private firm or an  
293 individual under a contingency fee arrangement to assess property or prosecute or defend an  
294 appeal.

295 (ii) An appraisal that has been prepared on a contingency fee basis may not be allowed  
296 in any proceeding before a county board of equalization or the commission.

297 Section 7. Section **59-2-1004** is amended to read:

298 **59-2-1004. Appeal to county board of equalization -- Real property -- Time**  
299 **period for appeal -- Public hearing requirements -- Decision of board -- Extensions**  
300 **approved by commission -- Appeal to commission.**

301 (1) As used in this section:

302 (a) "Final assessed value" means:

303 (i) for real property for which the taxpayer appealed the valuation or equalization to the  
304 county board of equalization in accordance with this section, the value given to the real

305 property by the county board of equalization, including a value based on a stipulation of the  
306 parties;

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

310 (A) the commission, if the commission has issued a decision in the appeal or the  
311 parties have entered a stipulation; or

312 (B) a county board of equalization, if the commission has not yet issued a decision in  
313 the appeal and the parties have not entered a stipulation; or

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

317 (b) "Inflation adjusted value" means the value of the real property that is the subject of  
318 the appeal as calculated by changing the final assessed value for the previous taxable year for  
319 the real property by the median property value change.

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

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

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

325 (d) "Property value change" means the percentage change in the fair market value of  
326 real property on or after January 1 of the previous year and before January 1 of the current year.

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

328 (i) for which:

329 (A) the taxpayer or a county assessor appealed the valuation or equalization for the  
330 previous taxable year to the county board of equalization in accordance with this section or the  
331 commission in accordance with Section 59-2-1006;

332 (B) the appeal described in Subsection (1)(e)(i)(A), resulted in a final assessed value  
333 that was lower than the assessed value; and

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

336 (ii) that, on or after January 1 of the previous taxable year and before January 1 of the  
337 current taxable year, has not had a qualifying change.

338 (f) "Qualifying change" means one of the following changes to real property that  
339 occurs on or after January 1 of the previous taxable year and before January 1 of the current  
340 taxable year:

341 (i) a physical improvement if, solely as a result of the physical improvement, the fair  
342 market value of the physical improvement equals or exceeds the greater of 10% of fair market  
343 value of the real property or \$20,000;

344 (ii) a zoning change, if the fair market value of the real property increases solely as a  
345 result of the zoning change; or

346 (iii) a change in the legal description of the real property, if the fair market value of the  
347 real property increases solely as a result of the change in the legal description of the real  
348 property.

349 (2) (a) A taxpayer dissatisfied with the valuation or the equalization of the taxpayer's  
350 real property may make an application to appeal by:

351 (i) filing the application with the county board of equalization within the time period  
352 described in Subsection (3); or

353 (ii) making an application by telephone or other electronic means within the time  
354 period described in Subsection (3) if the county legislative body passes a resolution under  
355 Subsection (9) authorizing a taxpayer to make an application by telephone or other electronic  
356 means.

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

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

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

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

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

367 equalization.

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

372 (ii) (A) A person may not appeal a county assessor's calculation of inflation adjusted  
373 value but may appeal the fair market value of a qualified real property.

374 (B) A person may appeal a determination of whether, on or after January 1 of the  
375 previous taxable year and before January 1 of the current taxable year, real property had a  
376 qualifying change.

377 (3) (a) Except as provided in Subsection (3)(b) and for purposes of Subsection (2), a  
378 taxpayer shall make an application to appeal the valuation or the equalization of the taxpayer's  
379 real property on or before the later of:

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

381 (ii) the last day of a 45-day period beginning on the day on which the county auditor  
382 provides the notice under Section 59-2-919.1.

383 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
384 commission shall make rules providing for circumstances under which the county board of  
385 equalization is required to accept an application to appeal that is filed after the time period  
386 prescribed in Subsection (3)(a).

387 (4) (a) [~~Except as provided in Subsection (4)(b), the~~] The taxpayer shall include in the  
388 application under Subsection (2)(a):

389 (i) the taxpayer's estimate of the fair market value of the property and any evidence that  
390 may indicate that the assessed valuation of the taxpayer's property is improperly equalized with  
391 the assessed valuation of comparable properties; and

392 (ii) a signed statement of the personal property located in a multi-tenant residential  
393 property, as that term is defined in Section 59-2-301.8 if the taxpayer:

394 (A) appeals the value of multi-tenant residential property assessed in accordance with  
395 Section 59-2-301.8; and

396 (B) intends to contest the value of the personal property located within the multi-tenant  
397 residential property.

398 (b) ~~[(i)]~~ For an appeal involving qualified real property~~[:]~~,  
399 ~~[(A)]~~ the county board of equalization shall presume that the fair market value of the  
400 qualified real property is equal to the inflation adjusted value~~[-and]~~.

401 ~~[(B) except as provided in Subsection (4)(b)(ii), the taxpayer may provide the~~  
402 ~~information described in Subsection (4)(a).]~~

403 ~~[(ii) If the taxpayer seeks to prove that the fair market value of the qualified real~~  
404 ~~property is below the inflation adjusted value, the taxpayer shall provide the information~~  
405 ~~described in Subsection (4)(a).]~~

406 (5) In reviewing evidence submitted to a county board of equalization by or on behalf  
407 of an owner or a county assessor, the county board of equalization shall consider and weigh:

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

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

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

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

417 (6) (a) Except as provided in Subsection (6)(c), at least five days before the day on  
418 which the county board of equalization holds a public hearing on an appeal:

419 (i) the county assessor shall provide the taxpayer any evidence the county assessor  
420 relies upon in support of the county assessor's valuation; and

421 (ii) the taxpayer shall provide the county assessor any evidence not previously provided  
422 to the county assessor that the taxpayer relies upon in support of the taxpayer's appeal.

423 (b) (i) The deadline described in Subsection (6)(a) does not apply to evidence that is  
424 commercial information as defined in Section 59-1-404, if:

425 (A) for the purpose of complying with Section 59-1-404, the county assessor requires  
426 that the taxpayer execute a nondisclosure agreement before the county assessor discloses the  
427 evidence; and

428 (B) the taxpayer fails to execute the nondisclosure agreement before the deadline

429 described in Subsection (6)(a).

430 (ii) The county assessor shall disclose evidence described in Subsection (6)(b)(i) as  
431 soon as practicable after the county assessor receives the executed nondisclosure agreement.

432 (iii) The county assessor shall provide the taxpayer a copy of the nondisclosure  
433 agreement with reasonable time for the taxpayer to review and execute the agreement before  
434 the deadline described in Subsection (6)(a) expires.

435 (c) If at the public hearing, a party presents evidence not previously provided to the  
436 other party, the county board of equalization shall allow the other party to respond to the  
437 evidence in writing within 10 days after the day on which the public hearing occurs.

438 (d) (i) A county board of equalization may adopt rules governing the deadlines  
439 described in this Subsection (6), if the rules are no less stringent than the provisions of this  
440 Subsection (6).

441 (ii) A county board of equalization's rule that complies with Subsection (6)(d)(i)  
442 controls over the provisions of this subsection.

443 (7) (a) The county board of equalization shall meet and hold public hearings as  
444 described in Section [59-2-1001](#).

445 (b) (i) For purposes of this Subsection (7)(b), "significant adjustment" means a  
446 proposed adjustment to the valuation of real property that:

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

448 (B) would result in a valuation that differs from the original assessed value by at least  
449 20% and \$1,000,000.

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

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

455 (B) for purposes of the agenda described in Subsection (7)(b)(ii)(A), provide a  
456 description of the property for which the county board of equalization is considering a  
457 significant adjustment.

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

460 application.

461 (d) The commission may approve the extension of a time period provided for in  
462 Subsection (7)(c) for a county board of equalization to make a decision on an appeal.

463 (e) Unless the commission approves the extension of a time period under Subsection  
464 (7)(d), if a county board of equalization fails to make a decision on an appeal within the time  
465 period described in Subsection (7)(c), the county legislative body shall:

466 (i) list the appeal, by property owner and parcel number, on the agenda for the next  
467 meeting the county legislative body holds after the expiration of the time period described in  
468 Subsection (7)(c); and

469 (ii) hear the appeal at the meeting described in Subsection (7)(e)(i).

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

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

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

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

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

480 (ii) Subject to Sections [59-2-301.1](#), [59-2-301.2](#), [59-2-301.3](#), and [59-2-301.4](#), equalized  
481 value established under Subsection (7)(h)(i) shall be the assessed value for property tax  
482 purposes until the county assessor is able to evaluate and equalize the assessed value of all  
483 comparable properties to bring all comparable properties into conformity with full fair market  
484 value.

485 (8) If any taxpayer is dissatisfied with the decision of the county board of equalization,  
486 the taxpayer may file an appeal with the commission as described in Section [59-2-1006](#).

487 (9) A county legislative body may pass a resolution authorizing taxpayers owing taxes  
488 on property assessed by that county to file property tax appeals applications under this section  
489 by telephone or other electronic means.

490 Section 8. Section **59-2-1006.1** is enacted to read:



491 **59-2-1006.1. Appeals of valuation or equalization of property eligible for deferral**  
492 **for 2023.**

493 (1) (a) Subject to Subsection (1)(c) and for the calendar year that begins on January 1,  
494 2023, a taxpayer may file an appeal to the commission of the valuation or equalization of real  
495 property that is eligible for a deferral under Section [59-2-1802.1](#) for the calendar year that  
496 begins on January 1, 2023, if:

497 (i) the taxpayer filed an appeal of the valuation or equalization of the property with the  
498 county board of equalization for the calendar year that begins on January 1, 2023;

499 (ii) the county board of equalization has issued a decision on the appeal; and

500 (iii) the parties have not entered a stipulation regarding the value of the property.

501 (b) A taxpayer shall file an appeal to the commission under this Subsection (1) on or  
502 before June 30, 2025.

503 (c) Except as specifically provided in this section, an appeal to the commission shall be  
504 filed in accordance with Section [59-2-1006](#).

505 (2) For each property eligible to receive a deferral under Section [59-2-1802.1](#), this  
506 section may not be interpreted to:

507 (a) allow a taxpayer to file, under this section, more than one appeal of the valuation or  
508 equalization of the property for the calendar year that begins on January 1, 2023; or

509 (b) require a taxpayer to refile a notice of appeal in accordance with Section [59-2-1006](#)  
510 if an appeal before the commission is pending for the calendar year that begins on January 1,  
511 2023.

512 Section 9. Section **59-2-1008** is amended to read:

513 **59-2-1008. Investigations by commission -- Assessment of escaped property --**  
514 **Increase or decrease of assessed valuation.**

515 (1) As used in this section, "review information" means, as reported by a county  
516 assessor:

517 (a) the number of properties that:

518 (i) required a review in accordance with Section [59-2-303.3](#); and

519 (ii) the county reduced the value as a result of the review; and

520 (b) the parcel number of any property:

521 (i) that required a review in accordance with Section [59-2-303.3](#);

522 (ii) that has an increase in value of \$50,000 or more; and

523 (iii) for which the county assessor did not reduce value.

524 (2) (a) Each year the commission shall conduct an investigation throughout each  
525 county of the state to determine whether all property subject to taxation is on the assessment  
526 rolls[;] and whether the property is being assessed at fair market value.

527 (b) When, after any investigation, [it is found] the commission finds that any property  
528 [which] that is subject to taxation is not assessed, [then] the commission shall direct the county  
529 assessor, the county board of equalization, or the county auditor, as [it] the commission may  
530 determine, to enter the assessment of the escaped property.

531 [~~(2)~~] (3) If [it is found] the commission finds that any property in any county is not  
532 being assessed at [its] the property's fair market value, the commission shall, for the purpose of  
533 equalizing the value of property in the state, increase or decrease the valuation of the property  
534 in order to enforce the assessment of all property subject to taxation upon the basis of its fair  
535 market value, and shall direct the county assessor, the county board of equalization, or the  
536 county auditor, as [it] the commission may determine, to correct the value of the property in a  
537 manner prescribed by the commission.

538 [~~(3)~~] (4) The county assessors, county boards of equalization, and county auditors shall  
539 make all increases or decreases as may be required by the commission to make the assessment  
540 of all property within the county conform to [its] the property's fair market value.

541 (5) Each year, after receiving the review information from a county assessor and on or  
542 before June 8, the commission shall:

543 (a) review the assessment of a property described in Subsection (1)(b); and

544 (b) if warranted, take action as described in Subsection [59-1-210\(23\)](#).

545 (6) The commission shall report the review information and the number of properties  
546 for which an adjustment is made in accordance with Subsection (5) to the Revenue and  
547 Taxation Interim Committee annually on or before the September interim meeting.

548 (7) The commission shall include in the report the name of each county that reported  
549 review information for the current calendar year and the previous calendar year.

550 Section 10. Section **59-2-1330** is amended to read:

551 **59-2-1330. Payment of property taxes -- Payments to taxpayer by state or taxing**  
552 **entity -- Refund of penalties paid by taxpayer -- Refund of interest paid by taxpayer --**

553 **Payment of interest to taxpayer -- Judgment levy -- Objections to assessments by the**  
 554 **commission -- Time periods for making payments to taxpayer.**

555 (1) Unless otherwise specifically provided by statute, property taxes shall be paid  
 556 directly to [~~the county assessor or~~] the county treasurer:

- 557 (a) on the date that the property taxes are due; and  
 558 (b) as provided in this chapter.

559 (2) (a) The county treasurer shall apply a payment that is insufficient to cover both a  
 560 tax or tax notice charge that is deferred in accordance with Part 18, Tax Deferral and Tax  
 561 Abatement, and a current year property tax or tax notice charge to the current tax year property  
 562 tax or tax notice charge first.

563 (b) The county treasurer shall send notice to the property owner:

564 (i) that the payment was insufficient;

565 (ii) that the county applied the payment to the tax or tax notice charges for the current  
 566 tax year; and

567 (iii) of the amount of tax and tax notice charge that is outstanding.

568 [~~(2)~~] (3) A taxpayer shall receive payment as provided in this section if a reduction in  
 569 the amount of any tax levied against any property for which the taxpayer paid a tax or any  
 570 portion of a tax under this chapter for a calendar year is required by a final and unappealable  
 571 judgment or order described in Subsection [~~(3)~~] (4) issued by:

572 (a) a county board of equalization;

573 (b) the commission; or

574 (c) a court of competent jurisdiction.

575 [~~(3)~~] (4) (a) For purposes of Subsection [~~(2)~~] (3), the state or any taxing entity that has  
 576 received property taxes or any portion of property taxes from a taxpayer described in  
 577 Subsection (2) shall pay the taxpayer if:

578 (i) the taxes the taxpayer paid in accordance with Subsection [~~(2)~~] (3) are collected by  
 579 an authorized officer of the:

580 (A) county; or

581 (B) state; and

582 (ii) the taxpayer obtains a final and unappealable judgment or order:

583 (A) from[:] a county board of equalization, the commission, or a court of competent

584 jurisdiction;

585 [~~(F)~~ a county board of equalization;]

586 [~~(H)~~ the commission; or]

587 [~~(H)~~ a court of competent jurisdiction;]

588 (B) against:

589 (I) the taxing entity or an authorized officer of the taxing entity; or

590 (II) the state or an authorized officer of the state; and

591 (C) ordering a reduction in the amount of any tax levied against any property for which

592 a taxpayer paid a tax or any portion of a tax under this chapter for the calendar year.

593 (b) The amount that the state or a taxing entity shall pay a taxpayer shall be determined  
594 in accordance with Subsections [~~(4)~~] (5) through [~~(7)~~] (8).

595 [~~(4)~~] (5) For purposes of Subsections [~~(2)~~ and] (3) and (4), the amount the state shall  
596 pay to a taxpayer is equal to the sum of:

597 (a) if the difference described in this Subsection [~~(4)(a)~~] (5)(a) is greater than \$0, the  
598 difference between:

599 (i) the tax the taxpayer paid to the state in accordance with Subsection [~~(2)~~] (3); and

600 (ii) the amount of the taxpayer's tax liability to the state after the reduction in the  
601 amount of tax levied against the property in accordance with the final and unappealable  
602 judgment or order described in Subsection [~~(3)~~] (4);

603 (b) if the difference described in this Subsection [~~(4)(b)~~] (5)(b) is greater than \$0, the  
604 difference between:

605 (i) any penalties the taxpayer paid to the state in accordance with Section [59-2-1331](#);  
606 and

607 (ii) the amount of penalties the taxpayer is liable to pay to the state in accordance with  
608 Section [59-2-1331](#) after the reduction in the amount of tax levied against the property in  
609 accordance with the final and unappealable judgment or order described in Subsection [~~(3)~~] (4);

610 (c) as provided in Subsection [~~(6)(a)~~] (7)(a), interest the taxpayer paid in accordance  
611 with Section [59-2-1331](#) on the amounts described in Subsections [~~(4)(a) and (4)(b)~~] (5)(a) and  
612 (5)(b); and

613 (d) as provided in Subsection [~~(6)(b)~~] (7)(b), interest on the sum of the amounts  
614 described in<sup>[:]</sup> Subsections (5)(a), (5)(b), and (5)(c);

615 ~~[(i) Subsection (4)(a);]~~

616 ~~[(ii) Subsection (4)(b); and]~~

617 ~~[(iii) Subsection (4)(c).]~~

618 ~~[(5)]~~ (6) For purposes of Subsections ~~[(2) and]~~ (3) and (4), the amount a taxing entity  
619 shall pay to a taxpayer is equal to the sum of:

620 (a) if the difference described in this Subsection ~~[(5)(a)]~~ (6)(a) is greater than \$0, the  
621 difference between:

622 (i) the tax the taxpayer paid to the taxing entity in accordance with Subsection ~~[(2)]~~ (3);

623 and

624 (ii) the amount of the taxpayer's tax liability to the taxing entity after the reduction in  
625 the amount of tax levied against the property in accordance with the final and unappealable  
626 judgment or order described in Subsection ~~[(3)]~~ (4);

627 (b) if the difference described in this Subsection ~~[(5)(b)]~~ (6)(b) is greater than \$0, the  
628 difference between:

629 (i) any penalties the taxpayer paid to the taxing entity in accordance with Section  
630 [59-2-1331](#); and

631 (ii) the amount of penalties the taxpayer is liable to pay to the taxing entity in  
632 accordance with Section [59-2-1331](#) after the reduction in the amount of tax levied against the  
633 property in accordance with the final and unappealable judgment or order described in  
634 Subsection ~~[(3)]~~ (4);

635 (c) as provided in Subsection ~~[(6)(a)]~~ (7)(a), interest the taxpayer paid in accordance  
636 with Section [59-2-1331](#) on the amounts described in Subsections ~~[(5)(a) and (5)(b)]~~ (6)(a) and  
637 (6)(b); and

638 (d) as provided in Subsection ~~[(6)(b)]~~ (7)(b), interest on the sum of the amounts  
639 described in~~[:]~~ Subsections (6)(a), (6)(b), and (6)(c);

640 ~~[(i) Subsection (5)(a);]~~

641 ~~[(ii) Subsection (5)(b); and]~~

642 ~~[(iii) Subsection (5)(c).]~~

643 ~~[(6)]~~ (7) Except as provided in Subsection ~~[(7)]~~ (8):

644 (a) interest shall be refunded to a taxpayer on the amount described in Subsection

645 ~~[(4)(c) or (5)(c)]~~ (5)(c) or (6)(c) in an amount equal to the amount of interest the taxpayer paid

646 in accordance with Section 59-2-1331; and

647 (b) interest shall be paid to a taxpayer on the amount described in Subsection ~~[(4)(d)~~  
648 ~~or~~ (5)(d) or (6)(d):

649 (i) beginning on the later of:

650 (A) the day on which the taxpayer paid the tax in accordance with Subsection ~~[(2)]~~ (3);

651 or

652 (B) January 1 of the calendar year immediately following the calendar year for which  
653 the tax was due;

654 (ii) ending on the day on which the state or a taxing entity pays to the taxpayer the  
655 amount required by Subsection ~~[(4) or]~~ (5) or (6); and

656 (iii) at the interest rate earned by the state treasurer on public funds transferred to the  
657 state treasurer in accordance with Section 51-7-5.

658 ~~[(7)]~~ (8) ~~[Notwithstanding Subsection (6):]~~

659 (a) ~~[the]~~ The state may not pay or refund interest to a taxpayer under Subsection ~~[(6)]~~  
660 (7) on any tax the taxpayer paid in accordance with Subsection ~~[(2)]~~ (3) that exceeds the  
661 amount of tax levied by the state for that calendar year as stated on the notice required by  
662 Section 59-2-1317~~[-and]~~.

663 (b) ~~[a]~~ A taxing entity may not pay or refund interest to a taxpayer under Subsection  
664 ~~[(6)]~~ (7) on any tax the taxpayer paid in accordance with Subsection ~~[(2)]~~ (3) that exceeds the  
665 amount of tax levied by the taxing entity for that calendar year as stated on the notice required  
666 by Section 59-2-1317.

667 ~~[(8)]~~ (9) (a) Each taxing entity may levy a tax to pay ~~[its]~~ the taxing entity's share of the  
668 final and unappealable judgment or order described in Subsection ~~[(3)]~~ (4) if:

669 (i) the final and unappealable judgment or order is issued no later than 15 days prior to  
670 the date the certified tax rate is set under Section 59-2-924;

671 (ii) the amount of the judgment levy is included on the notice under Section  
672 59-2-919.1; and

673 (iii) the final and unappealable judgment or order is an eligible judgment, as defined in  
674 Section 59-2-102.

675 (b) The levy under Subsection ~~[(8)(a)]~~ (9)(a) is in addition to, and exempt from, the  
676 maximum levy established for the taxing entity.

677           ~~[(9)]~~ (10) (a) A taxpayer that objects to the assessment of property assessed by the  
678 commission shall pay, on or before the property tax due date established under Subsection  
679 59-2-1331(1) or Section 59-2-1332, the full amount of taxes stated on the notice required by  
680 Section 59-2-1317 if:

681           (i) the taxpayer has applied to the commission for a hearing in accordance with Section  
682 59-2-1007 on the objection to the assessment; and

683           (ii) the commission has not issued a written decision on the objection to the assessment  
684 in accordance with Section 59-2-1007.

685           (b) A taxpayer that pays the full amount of taxes due under Subsection ~~[(9)(a)]~~ (10)(a)  
686 is not required to pay penalties or interest on an assessment described in Subsection ~~[(9)(a)]~~  
687 (10)(a) unless:

688           (i) a final and unappealable judgment or order establishing that the property described  
689 in Subsection ~~[(9)(a)]~~ (10)(a) has a value greater than the value stated on the notice required by  
690 Section 59-2-1317 is issued by:

691           (A) the commission; or

692           (B) a court of competent jurisdiction; and

693           (ii) the taxpayer fails to pay the additional tax liability resulting from the final and  
694 unappealable judgment or order described in Subsection ~~[(9)(b)(i)]~~ (10)(b)(i) within a 45-day  
695 period after the county bills the taxpayer for the additional tax liability.

696           ~~[(10)]~~ (11) (a) Except as provided in Subsection ~~[(10)(b)]~~ (11)(b), a payment that is  
697 required by this section shall be paid to a taxpayer:

698           (i) within 60 days after the day on which the final and unappealable judgment or order  
699 is issued in accordance with Subsection ~~[(3)]~~ (4); or

700           (ii) if a judgment levy is imposed in accordance with Subsection ~~[(8)]~~ (9):

701           (A) if the payment to the taxpayer required by this section is \$5,000 or more, no later  
702 than December 31 of the year in which the judgment levy is imposed; and

703           (B) if the payment to the taxpayer required by this section is less than \$5,000, within  
704 60 days after the date the final and unappealable judgment or order is issued in accordance with  
705 Subsection ~~[(3)]~~ (4).

706           (b) ~~[Notwithstanding Subsection (10)(a), a]~~ A taxpayer may enter into an agreement:

707           (i) that establishes a time period other than a time period described in Subsection

708 [(10)(a)] (11)(a) for making a payment to the taxpayer that is required by this section; and

709 (ii) with:

710 (A) an authorized officer of a taxing entity for a tax imposed by a taxing entity; or

711 (B) an authorized officer of the state for a tax imposed by the state.

712 Section 11. Section **59-2-1331** is amended to read:

713 **59-2-1331. Property tax due date -- Date tax is delinquent -- Penalty -- Interest --**  
714 **Payments -- Refund of prepayment.**

715 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsections (1)(c) and  
716 (d), all property taxes, unless otherwise specifically provided for under Section **59-2-1332**, or  
717 other law, and any tax notice charges, are due on November 30 of each year following the date  
718 of levy.

719 (b) If November 30 falls on a Saturday, Sunday, or holiday:

720 (i) the date of the next following day that is not a Saturday, Sunday, or holiday shall be  
721 substituted in Subsection (1)(a) and Subsection **59-2-1332**(1) for November 30; and

722 (ii) the date of the day occurring 30 days after the date under Subsection (1)(b)(i) shall  
723 be substituted in Subsection **59-2-1332**(1) for December 30.

724 (c) If a property tax is paid or postmarked after the due date described in this  
725 Subsection (1) the property tax is delinquent.

726 (d) A county treasurer or other public official, public entity, or public employee may  
727 not require the payment of a property tax before the due date described in this Subsection (1).

728 (2) (a) Except as provided in Subsections (2)(e) [~~and~~], (f), and (g)(i), for each parcel,  
729 all delinquent taxes and tax notice charges on each separately assessed parcel are subject to a  
730 penalty of 2.5% of the amount of the delinquent taxes and tax notice charges or \$10, whichever  
731 is greater.

732 (b) Unless the delinquent taxes and tax notice charges, together with the penalty, are  
733 paid on or before January 31, the amount of taxes and tax notice charges and penalty shall bear  
734 interest on a per annum basis from the January 1 immediately following the delinquency date.

735 (c) Except as provided in Subsection (2)(d), for purposes of Subsection (2)(b), the  
736 interest rate is equal to the sum of:

737 (i) 6%; and

738 (ii) the federal funds rate target:



- 739 (A) established by the Federal Open Markets Committee; and
- 740 (B) that exists on the January 1 immediately following the date of delinquency.
- 741 (d) The interest rate described in Subsection (2)(c) may not be:
- 742 (i) less than 7%; or
- 743 (ii) more than 10%.
- 744 (e) The penalty described in Subsection (2)(a) is 1% of the amount of the delinquent
- 745 taxes and tax notice charges or \$10, whichever is greater, if all delinquent taxes, all tax notice
- 746 charges, and the penalty are paid on or before the January 31 immediately following the
- 747 delinquency date.
- 748 (f) This section does not apply to the costs, charges, and interest rate accruing on any
- 749 tax notice charge related to an assessment assessed in accordance with:
- 750 (i) Title 11, Chapter 42, Assessment Area Act; or
- 751 (ii) Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.
- 752 (g) (i) The county shall waive any penalty or interest for a property granted a deferral in
- 753 accordance with Section 59-2-1802.1 from the day of the delinquency through the end of the
- 754 deferral period.
- 755 (ii) Penalties and interest accrue in accordance with this Subsection (2) on any tax or
- 756 tax notice charge that is delinquent after the deferral period ends.
- 757 (3) (a) If the delinquency exceeds one year, the amount of taxes, tax notice charges,
- 758 and penalties for that year and all succeeding years shall bear interest until settled in full
- 759 through redemption or tax sale.
- 760 (b) The interest rate to be applied shall be calculated for each year as established under
- 761 Subsection (2) and shall apply on each individual year's delinquency until paid.
- 762 (4) The county treasurer may accept and credit on account against taxes and tax notice
- 763 charges becoming due during the current year, at any time before or after the tax rates are
- 764 adopted, but not subsequent to the date of delinquency, either:
- 765 (a) payments in amounts of not less than \$10; or
- 766 (b) the full amount of the unpaid tax and tax notice charges.
- 767 (5) (a) At any time before the county treasurer provides the tax notice described in
- 768 Section 59-2-1317, the county treasurer may refund amounts accepted and credited on account
- 769 against taxes and tax notice charges becoming due during the current year.

770 (b) Upon recommendation by the county treasurer, the county legislative body shall  
771 adopt rules or ordinances to implement the provisions of this Subsection (5).

772 Section 12. Section **59-2-1343** is amended to read:

773 **59-2-1343. Tax sale listing.**

774 (1) (a) If any property is not redeemed by March 15 following the lapse of four years  
775 from the date when any item in Subsection (1)(b) became delinquent, the county treasurer  
776 shall immediately file a listing with the county auditor of all properties whose redemption  
777 period is expiring in the nearest forthcoming tax sale to pay all outstanding property taxes and  
778 tax notice charges.

779 (b) [A] Except as provided in Subsection (1)(c), a delinquency of any of the following  
780 triggers the tax sale process described in Subsection (1)(a):

781 (i) property tax; or

782 (ii) a tax notice charge.

783 (c) A property tax or a tax notice charge that is deferred in accordance with Section  
784 59-2-1802.1 is delinquent only if full payment of the property tax and any tax notice charges is  
785 not made before the end of the five-year deferral period.

786 (2) The listing is known as the "tax sale listing."

787 Section 13. Section **59-2-1801** is amended to read:

788 **59-2-1801. Definitions.**

789 As used in this part:

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

791 (2) "Deferral" means a postponement of a tax due date or a tax notice charge granted in  
792 accordance with Section 59-2-1802, 59-2-1802.1, or 59-2-1802.5.

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

795 (a) (i) who is 75 years old or older on or before December 31 of the year in which the  
796 individual applies for a deferral under this part;

797 (ii) whose household income does not exceed 200% of the maximum household  
798 income certified to a homeowner's credit described in Section 59-2-1208; and

799 (iii) whose household liquid resources do not exceed 20 times the amount of property  
800 taxes levied on the owner's residence for the preceding calendar year; or

801 (b) that is a trust described in Section 59-2-1805 if the grantor of the trust is an  
802 individual described in Subsection (3)(a).

803 (4) "Household" means the same as that term is defined in Section 59-2-1202.

804 (5) "Household income" means the same as that term is defined in Section 59-2-1202.

805 (6) "Household liquid resources" means the following resources that are not included  
806 in an individual's household income and held by one or more members of the individual's  
807 household:

808 (a) cash on hand;

809 (b) money in a checking or savings account;

810 (c) savings certificates; and

811 (d) stocks or bonds.

812 (7) "Indigent individual" [is] means a poor individual as described in Utah  
813 Constitution,

814 Article XIII, Section 3, Subsection (4), who:

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

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

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

819 (B) the individual has a disability;

820 (b) has a total household income, as defined in Section 59-2-1202, of less than the  
821 maximum household income certified to a homeowner's credit described in Section 59-2-1208;

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

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

825 (8) "Property taxes due" means the taxes due on an indigent individual's property:

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

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

828 (9) "Property taxes paid" means an amount equal to the sum of:

829 (a) the amount of property taxes the indigent individual paid for the taxable year for  
830 which the indigent individual applied for the abatement; and

831 (b) the amount of the abatement the county grants under Section 59-2-1803.

832 (10) "Qualifying increase" means a valuation that is equal to or more than 150% higher  
833 than the previous year's valuation for property that:

834 (a) is county assessed; and

835 (b) on or after January 1 of the previous year and before January 1 of the current year  
836 has not had:

837 (i) a physical improvement if the fair market value of the physical improvement  
838 increases enough to result in the valuation increase solely as a result of the physical  
839 improvement;

840 (ii) a zoning change if the fair market value of the real property increases enough to  
841 result in the valuation increase solely as a result of the zoning change; or

842 (iii) a change in the legal description of the real property, if the fair market value of the  
843 real property increases enough to result in the valuation increase solely as a result of the change  
844 in the legal description of the real property.

845 ~~[(+H)]~~ (11) "Relative" means a spouse, child, parent, grandparent, grandchild, brother,  
846 sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or a  
847 spouse of any of these individuals.

848 ~~[(+H)]~~ (12) "Residence" means real property where an individual resides, including:

849 (a) a mobile home, as defined in Section 41-1a-102; or

850 (b) a manufactured home, as defined in Section 41-1a-102.

851 (13) "Tax notice charge" means the same as that term is defined in Section

852 [59-2-1301.5](#).

853 Section 14. Section **59-2-1802.1** is enacted to read:

854 **59-2-1802.1. Property tax deferral for property with a qualifying increase.**

855 (1) (a) A county shall grant a deferral for any real property if an owner of the property:

856 (i) applies for a property tax deferral on or before the date provided in Subsection

857 (1)(b); and

858 (ii) has a qualifying increase for the calendar year that begins on January 1, 2023, or  
859 January 1, 2024.

860 (b) The owner of the property shall apply for a deferral on or before the later of:

861 (i) June 30, 2025; or

862 (ii) if an appeal of valuation or equalization of a property described in Subsection

863 (1)(a) is filed with a county board of equalization, the commission, or a court of competent  
864 jurisdiction, 30 days after the day on which the county board of equalization, the commission,  
865 or a court of competent jurisdiction issues a final, unappealable judgment or order.

866 (2) (a) The period of deferral is five years.

867 (b) The property owner shall pay 20% of the taxes and tax notice charges due during  
868 each year of the five-year deferral period.

869 (c) A county shall grant a separate five-year deferral period if an owner has a qualifying  
870 increase for both the calendar year that begins on January 1, 2023, and the calendar year that  
871 begins on January 1, 2024.

872 (3) (a) Taxes and tax notice charges deferred under this part accumulate as a lien  
873 against the residential property.

874 (b) A lien described in this Subsection (3) has the same legal status as a lien described  
875 in Section [59-2-1325](#).

876 (c) To release the lien described in this Subsection (3), an owner shall pay the total  
877 amount subject to the lien on or before the earlier of:

878 (i) the day on which the five-year deferral period ends; or

879 (ii) the day the owner sells or otherwise disposes of the real property.

880 (d) When the deferral period ends:

881 (i) the lien becomes due and subject to the collection procedures described in Section  
882 [59-2-1331](#); and

883 (ii) the date of levy is the date that the deferral period ends.

884 (4) (a) Notwithstanding Section [59-2-1331](#), a county may not impose a penalty or  
885 interest during the period of deferral.

886 (b) If the property owner does not make all deferred payments before the day on which  
887 the five-year deferral period ends, the county may assess a penalty or interest in accordance  
888 with Section [59-2-1331](#) on the unpaid amount.

889 (5) (a) If a county grants an owner more than one deferral for the same property, the  
890 county is not required to submit for recording more than one lien.

891 (b) Each subsequent deferral relates back to the date of the initial lien filing.

892 (6) (a) For each property for which the county grants a deferral, the treasurer shall  
893 maintain a record that is an itemized account of the total amount of deferred property taxes and

894 deferred tax notice charges subject to the lien.

895 (b) The record described in this Subsection (6) is the official record of the amount of  
896 the lien.

897 (7) For a property that has a qualifying increase for the calendar year that begins on  
898 January 1, 2023, or January 1, 2024, a county assessor shall include with the notice provided in  
899 accordance with Section 59-2-919.1 for the calendar year that begins on January 1, 2024, a  
900 notice informing the owner of record of:

901 (a) the option to file an appeal under the extended period described in Section  
902 59-2-1006.1;

903 (b) instructions for filing an appeal;

904 (c) the option to apply for a deferral in accordance with this section; and

905 (d) the ability of the county to waive any penalty or interest assessed in accordance  
906 with Section 59-2-1331.

907 Section 15. **Effective date.**

908 This bill takes effect on May 1, 2024.

909 Section 16. **Retrospective operation.**

910 This bill has retrospective operation to January 1, 2024.