

Representative Steve Eliason proposes the following substitute bill:

PROPERTY TAX ASSESSMENT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Steve Eliason

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- 41 **59-2-1008**, as repealed and reenacted by Laws of Utah 1988, Chapter 3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 **59-2-109.1**, Utah Code Annotated 1953
- 48 **59-2-303.3**, Utah Code Annotated 1953
- 49 **59-2-702.5**, Utah Code Annotated 1953
- 50 **59-2-1006.1**, Utah Code Annotated 1953
- 51 **59-2-1802.1**, Utah Code Annotated 1953

52 REPEALS AND REENACTS:

- 53 **59-2-109**, as last amended by Laws of Utah 2023, Chapter 471



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

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 Section **59-2-109** is repealed and reenacted to read:

57 **59-2-109. Burden of proof.**

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

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

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

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

66 (i) except as provided in Subsection (2)(b), substantial error in:

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

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

69 and

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

71 (b) The party carrying the burden of proof does not have to show substantial error as
72 required by Subsection (2)(a)(i) if the party is requesting:

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

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

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

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

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

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

85 (5) A preponderance of the evidence suffices to sustain the burden for all parties.

86 Section 2. Section **59-2-109.1** is enacted to read:

87 **59-2-109.1. Burden of proof for an appeal involving property eligible for deferral**

88 for 2023.

89 (1) This section applies to an appeal to the commission involving the valuation or
90 equalization of real property that is eligible for a deferral under Section 59-2-1802.1 for the
91 calendar year that begins on January 1, 2023.

92 (2) (a) The party carrying the burden of proof shall demonstrate:

93 (i) except as provided in Subsection (2)(b), substantial error in the value set by the
94 county board of equalization; and

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

96 (b) The party carrying the burden of proof does not have to show substantial error as
97 required by Subsection (2)(a)(i) if the party is requesting the value set by the county board of
98 equalization in an appeal to the commission.

99 (3) The following shall carry the burden of proof:

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

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

104 Section 3. Section 59-2-303 is amended to read:

105 **59-2-303. General duties of county assessor.**

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

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

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

111 (iii) conduct the review process described in Section 59-2-303.2.

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

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

118 (3) A county assessor shall become fully acquainted with all property in the county

119 assessor's county, as provided in Section [59-2-301](#).

120 (4) A county assessor in a county of the third, fourth, fifth, or sixth class shall seek
121 assistance from other county assessors or an appraiser contracted in accordance with Section
122 [59-2-703](#) for the county assessor to meet the requirements of Section [59-2-303.1](#).

123 Section 4. Section **59-2-303.1** is amended to read:

124 **59-2-303.1. Mandatory cyclical appraisals.**

125 (1) For purposes of this section:

126 (a) "Corrective action" includes:

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

128 (ii) notifying the state auditor that the county failed to comply with the requirements of
129 this section; or

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

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

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

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

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

136 (B) can be programmed with specialized criteria;

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

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

141 (c) "Property review date" means the date a county assessor completes a detailed
142 review of the property characteristics of a parcel of real property in accordance with Subsection

143 (3)(a).

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

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

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

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

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

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

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

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

155 (ii) of the commission.

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

159 (b) The county assessor shall maintain on the county's ~~[computer]~~ mass appraisal
160 system, a record of the last property review date for each parcel of real property located within
161 the county assessor's county.

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

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

167 (A) primary residential;

168 (B) commercial;

169 (C) vacant land;

170 (D) secondary residential; and

171 (E) non-taxable.

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

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

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

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

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

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

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

188 (d) If a county loses its allocation of the revenue generated statewide from the
189 imposition of the multicounty assessing and collecting levy described in Subsection (4)(c), the
190 revenue the county would have received shall be distributed to the Multicounty Appraisal Trust
191 created by interlocal agreement by all counties in the state.

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

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

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

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

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

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

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

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

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

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

208 Section 5. Section 59-2-303.3 is enacted to read:

209 **59-2-303.3. Automatic review for property with 150% or more valuation increase.**

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

212 (a) is county assessed; and
213 (b) on or after January 1 of the previous year and before January 1 of the current year,
214 has not had:

215 (i) a physical improvement if the fair market value of the physical improvement
216 increases enough to result in the valuation increase solely as a result of the physical
217 improvement;

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

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

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

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

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

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

232 (i) if the county assessor determines that the assessed value of the property reflects the
233 property's fair market value, the county assessor may not adjust the property's assessed value;
234 or

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

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

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

243 (i) the number of properties that:
244 (A) required a review in accordance with Subsection (2); and
245 (B) the county reduced the value as a result of the review; and
246 (ii) the parcel number of any property:
247 (A) that required a review in accordance with Subsection (2);
248 (B) that has an increase in value of \$50,000 or more; and
249 (C) for which the county assessor did not reduce value.
250 (b) (i) A county that has any property subject to a review in accordance with this
251 section for two consecutive years shall report to the Revenue and Taxation Interim Committee:
252 (A) at the same meeting or a meeting after the meeting during which the commission
253 makes the report described in Section [59-2-1008](#);
254 (B) in the same year as the commission report; and
255 (C) on the number of properties with a qualifying increase and the reasons for the
256 qualifying increases.
257 (ii) The requirement to report applies if the county has a property that is subject to
258 review under this section in each of two consecutive years regardless of whether the property
259 that is subject to review is the same property for each year.
260 (iii) The requirement to report does not apply if the qualifying increase is less than
261 \$50,000.
262 (5) The review process described in this section does not supersede or otherwise affect
263 a taxpayer's right to appeal or to seek judicial review of the valuation or equalization of a
264 review property in accordance with:
265 (a) this part;
266 (b) Chapter 1, Part 6, Judicial Review; or
267 (c) Title 63G, Chapter 4, Part 4, Judicial Review.
268 Section 6. Section **59-2-702.5** is enacted to read:
269 **59-2-702.5. Education and training for county assessors.**
270 (1) (a) The commission shall conduct a program of education and training for county
271 assessors that offers instruction on:
272 (i) a county assessor's statutory obligations; and
273 (ii) the practical application of mass appraisal techniques to satisfy a county assessor's

274 statutory obligations.

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

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

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

281 Section 7. Section **59-2-703** is amended to read:

282 **59-2-703. Commission to assist county assessors -- Appraisers provided upon**
283 **request -- Costs of services -- Contingency fee arrangements prohibited.**

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

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

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

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

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

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

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

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

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

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

307 Section 8. Section **59-2-1004** is amended to read:

308 **59-2-1004. Appeal to county board of equalization -- Real property -- Time**
309 **period for appeal -- Public hearing requirements -- Decision of board -- Extensions**
310 **approved by commission -- Appeal to commission.**

311 (1) As used in this section:

312 (a) "Final assessed value" means:

313 (i) for real property for which the taxpayer appealed the valuation or equalization to the
314 county board of equalization in accordance with this section, the value given to the real
315 property by the county board of equalization, including a value based on a stipulation of the
316 parties;

317 (ii) for real property for which the taxpayer or a county assessor appealed the valuation
318 or equalization to the commission in accordance with Section [59-2-1006](#), the value given to the
319 real property by:

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

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

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

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

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

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

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

335 (d) "Property value change" means the percentage change in the fair market value of

336 real property on or after January 1 of the previous year and before January 1 of the current year.

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

338 (i) for which:

339 (A) the taxpayer or a county assessor appealed the valuation or equalization for the
340 previous taxable year to the county board of equalization in accordance with this section or the
341 commission in accordance with Section [59-2-1006](#);

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

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

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

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

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

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

356 (iii) a change in the legal description of the real property, if the fair market value of the
357 real property increases solely as a result of the change in the legal description of the real
358 property.

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

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

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

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

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

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

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

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

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

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

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

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

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

391 (ii) the last day of a 45-day period beginning on the day on which the county auditor
392 provides the notice under Section [59-2-919.1](#).

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

397 (4) (a) [~~Except as provided in Subsection (4)(b), the~~] The taxpayer shall include in the

398 application under Subsection (2)(a):

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

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

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

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

408 (b) [(i)] For an appeal involving qualified real property[:(A)], the county board of
409 equalization shall presume that the fair market value of the qualified real property is equal to
410 the inflation adjusted value[;and].

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

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

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

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

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

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

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

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

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

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

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

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

438 (B) the taxpayer fails to execute the nondisclosure agreement before the deadline
439 described in Subsection (6)(a).

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

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

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

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

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

453 (7) (a) The county board of equalization shall meet and hold public hearings as
454 described in Section 59-2-1001.

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

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

458 (B) would result in a valuation that differs from the original assessed value by at least
459 20% and \$1,000,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

490 (ii) Subject to Sections [59-2-301.1](#), [59-2-301.2](#), [59-2-301.3](#), and [59-2-301.4](#), equalized

491 value established under Subsection (7)(h)(i) shall be the assessed value for property tax
492 purposes until the county assessor is able to evaluate and equalize the assessed value of all
493 comparable properties to bring all comparable properties into conformity with full fair market
494 value.

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

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

500 Section 9. Section [59-2-1006.1](#) is enacted to read:

501 **[59-2-1006.1. Appeals of valuation or equalization of property eligible for deferral](#)**
502 **for 2023.**

503 (1) (a) Subject to Subsection (1)(c) and for the calendar year that begins on January 1,
504 2023, a taxpayer may file an appeal to the commission of the valuation or equalization of real
505 property that is eligible for a deferral under Section [59-2-1802.1](#) for the calendar year that
506 begins on January 1, 2023, if:

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

509 (ii) the county board of equalization has issued a decision in accordance with Section
510 [59-2-1004](#); and

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

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

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

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

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

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

522 2023.

523 Section 10. Section **59-2-1008** is amended to read:

524 **59-2-1008. Investigations by commission -- Assessment of escaped property --**
 525 **Increase or decrease of assessed valuation.**

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

528 (a) the number of properties that:

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

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

531 (b) the parcel number of any property:

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

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

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

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

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

542 [~~(2)~~] (3) If [~~it is found~~] the commission finds that any property in any county is not
 543 being assessed at [~~its~~] the property's fair market value, the commission shall, for the purpose of
 544 equalizing the value of property in the state, increase or decrease the valuation of the property
 545 in order to enforce the assessment of all property subject to taxation upon the basis of its fair
 546 market value, and shall direct the county assessor, the county board of equalization, or the
 547 county auditor, as [~~it~~] the commission may determine, to correct the value of the property in a
 548 manner prescribed by the commission.

549 [~~(3)~~] (4) The county assessors, county boards of equalization, and county auditors shall
 550 make all increases or decreases as may be required by the commission to make the assessment
 551 of all property within the county conform to [~~its~~] the property's fair market value.

552 (5) Each year, after receiving the review information from a county assessor and on or

553 before June 8, the commission shall:

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

555 (b) if warranted, take action as described in Subsection 59-1-210(23).

556 (6) The commission shall report the review information and the number of properties

557 for which an adjustment is made in accordance with Subsection (5) to the Revenue and

558 Taxation Interim Committee annually on or before the September interim meeting.

559 (7) The commission shall include in the report the name of each county that reported

560 review information for the current calendar year and the previous calendar year.

561 Section 11. Section **59-2-1330** is amended to read:

562 **59-2-1330. Payment of property taxes -- Payments to taxpayer by state or taxing**

563 **entity -- Refund of penalties paid by taxpayer -- Refund of interest paid by taxpayer --**

564 **Payment of interest to taxpayer -- Judgment levy -- Objections to assessments by the**

565 **commission -- Time periods for making payments to taxpayer.**

566 (1) Unless otherwise specifically provided by statute, property taxes shall be paid

567 directly to [~~the county assessor or~~] the county treasurer:

568 (a) on the date that the property taxes are due; and

569 (b) as provided in this chapter.

570 (2) (a) The county treasurer shall apply a payment that is insufficient to cover both a

571 tax or tax notice charge that is deferred in accordance with Part 18, Tax Deferral and Tax

572 Abatement, and a current year property tax or tax notice charge to the current tax year property

573 tax or tax notice charge first.

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

575 (i) that the payment was insufficient;

576 (ii) that the county applied the payment to the tax or tax notice charges for the current

577 tax year; and

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

579 [~~(2)~~] (3) A taxpayer shall receive payment as provided in this section if a reduction in

580 the amount of any tax levied against any property for which the taxpayer paid a tax or any

581 portion of a tax under this chapter for a calendar year is required by a final and unappealable

582 judgment or order described in Subsection [~~(3)~~] (4) issued by:

583 (a) a county board of equalization;

584 (b) the commission; or
585 (c) a court of competent jurisdiction.
586 ~~[(3)]~~ (4) (a) For purposes of Subsection ~~[(2)]~~ (3), the state or any taxing entity that has
587 received property taxes or any portion of property taxes from a taxpayer described in
588 Subsection (2) shall pay the taxpayer if:
589 (i) the taxes the taxpayer paid in accordance with Subsection ~~[(2)]~~ (3) are collected by
590 an authorized officer of the:
591 (A) county; or
592 (B) state; and
593 (ii) the taxpayer obtains a final and unappealable judgment or order:
594 (A) from[:] a county board of equalization, the commission, or a court of competent
595 jurisdiction;
596 ~~[(I) a county board of equalization;]~~
597 ~~[(II) the commission; or]~~
598 ~~[(III) a court of competent jurisdiction;]~~
599 (B) against:
600 (I) the taxing entity or an authorized officer of the taxing entity; or
601 (II) the state or an authorized officer of the state; and
602 (C) ordering a reduction in the amount of any tax levied against any property for which
603 a taxpayer paid a tax or any portion of a tax under this chapter for the calendar year.
604 (b) The amount that the state or a taxing entity shall pay a taxpayer shall be determined
605 in accordance with Subsections ~~[(4)]~~ (5) through ~~[(7)]~~ (8).
606 ~~[(4)]~~ (5) For purposes of Subsections ~~[(2) and]~~ (3) and (4), the amount the state shall
607 pay to a taxpayer is equal to the sum of:
608 (a) if the difference described in this Subsection ~~[(4)(a)]~~ (5)(a) is greater than \$0, the
609 difference between:
610 (i) the tax the taxpayer paid to the state in accordance with Subsection ~~[(2)]~~ (3); and
611 (ii) the amount of the taxpayer's tax liability to the state after the reduction in the
612 amount of tax levied against the property in accordance with the final and unappealable
613 judgment or order described in Subsection ~~[(3)]~~ (4);
614 (b) if the difference described in this Subsection ~~[(4)(b)]~~ (5)(b) is greater than \$0, the

615 difference between:

616 (i) any penalties the taxpayer paid to the state in accordance with Section 59-2-1331;

617 and

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

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

624 (d) as provided in Subsection ~~[(6)(b)]~~ (7)(b), interest on the sum of the amounts
625 described in^[:] Subsections (5)(a), (5)(b), and (5)(c);

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

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

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

629 ~~[(5)]~~ (6) For purposes of Subsections ~~[(2) and]~~ (3) and (4), the amount a taxing entity
630 shall pay to a taxpayer is equal to the sum of:

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

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

634 and

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

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

640 (i) any penalties the taxpayer paid to the taxing entity in accordance with Section
641 59-2-1331; and

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

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

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

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

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

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

654 ~~[(6)]~~ (7) Except as provided in Subsection ~~[(7)]~~ (8):

655 (a) interest shall be refunded to a taxpayer on the amount described in Subsection
656 ~~[(4)(c) or (5)(c)]~~ (5)(c) or (6)(c) in an amount equal to the amount of interest the taxpayer paid
657 in accordance with Section [59-2-1331](#); and

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

660 (i) beginning on the later of:

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

662 or

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

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

667 (iii) at the interest rate earned by the state treasurer on public funds transferred to the
668 state treasurer in accordance with Section [51-7-5](#).

669 ~~[(7)]~~ (8) ~~[Notwithstanding Subsection (6):]~~

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

674 (b) ~~[a]~~ A taxing entity may not pay or refund interest to a taxpayer under Subsection
675 ~~[(6)]~~ (7) on any tax the taxpayer paid in accordance with Subsection ~~[(2)]~~ (3) that exceeds the
676 amount of tax levied by the taxing entity for that calendar year as stated on the notice required

677 by Section 59-2-1317.

678 ~~[(8)]~~ (9) (a) Each taxing entity may levy a tax to pay ~~[its]~~ the taxing entity's share of the
679 final and unappealable judgment or order described in Subsection ~~[(3)]~~ (4) if:

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

682 (ii) the amount of the judgment levy is included on the notice under Section
683 59-2-919.1; and

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

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

688 ~~[(9)]~~ (10) (a) A taxpayer that objects to the assessment of property assessed by the
689 commission shall pay, on or before the property tax due date established under Subsection
690 59-2-1331(1) or Section 59-2-1332, the full amount of taxes stated on the notice required by
691 Section 59-2-1317 if:

692 (i) the taxpayer has applied to the commission for a hearing in accordance with Section
693 59-2-1007 on the objection to the assessment; and

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

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

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

702 (A) the commission; or

703 (B) a court of competent jurisdiction; and

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

707 ~~[(10)]~~ (11) (a) Except as provided in Subsection ~~[(10)(b)]~~ (11)(b), a payment that is

708 required by this section shall be paid to a taxpayer:

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

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

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

714 (B) if the payment to the taxpayer required by this section is less than \$5,000, within
715 60 days after the date the final and unappealable judgment or order is issued in accordance with
716 Subsection ~~[(3)]~~ (4).

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

718 (i) that establishes a time period other than a time period described in Subsection
719 ~~[(10)(a)]~~ (11)(a) for making a payment to the taxpayer that is required by this section; and

720 (ii) with:

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

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

723 Section 12. Section **59-2-1331** is amended to read:

724 **59-2-1331. Property tax due date -- Date tax is delinquent -- Penalty -- Interest --**
725 **Payments -- Refund of prepayment.**

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

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

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

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

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

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

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

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

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

748 (i) 6%; and

749 (ii) the federal funds rate target:

750 (A) established by the Federal Open Markets Committee; and

751 (B) that exists on the January 1 immediately following the date of delinquency.

752 (d) The interest rate described in Subsection (2)(c) may not be:

753 (i) less than 7%; or

754 (ii) more than 10%.

755 (e) The penalty described in Subsection (2)(a) is 1% of the amount of the delinquent
756 taxes and tax notice charges or \$10, whichever is greater, if all delinquent taxes, all tax notice
757 charges, and the penalty are paid on or before the January 31 immediately following the
758 delinquency date.

759 (f) This section does not apply to the costs, charges, and interest rate accruing on any
760 tax notice charge related to an assessment assessed in accordance with:

761 (i) Title 11, Chapter 42, Assessment Area Act; or

762 (ii) Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.

763 (g) (i) The county shall waive any penalty or interest for a property granted a deferral in
764 accordance with Section 59-2-1802.1 from the day of the delinquency through the end of the
765 deferral period.

766 (ii) Penalties and interest accrue in accordance with this Subsection (2) on any tax or
767 tax notice charge that is delinquent after the deferral period ends.

768 (3) (a) If the delinquency exceeds one year, the amount of taxes, tax notice charges,
769 and penalties for that year and all succeeding years shall bear interest until settled in full

770 through redemption or tax sale.

771 (b) The interest rate to be applied shall be calculated for each year as established under
772 Subsection (2) and shall apply on each individual year's delinquency until paid.

773 (4) The county treasurer may accept and credit on account against taxes and tax notice
774 charges becoming due during the current year, at any time before or after the tax rates are
775 adopted, but not subsequent to the date of delinquency, either:

776 (a) payments in amounts of not less than \$10; or

777 (b) the full amount of the unpaid tax and tax notice charges.

778 (5) (a) At any time before the county treasurer provides the tax notice described in
779 Section [59-2-1317](#), the county treasurer may refund amounts accepted and credited on account
780 against taxes and tax notice charges becoming due during the current year.

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

783 Section 13. Section **59-2-1343** is amended to read:

784 **59-2-1343. Tax sale listing.**

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

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

792 (i) property tax; or

793 (ii) a tax notice charge.

794 (c) A property tax or a tax notice charge that is deferred in accordance with Section
795 [59-2-1802.1](#) is delinquent only if full payment of the property tax and any tax notice charges is
796 not made before the end of the five-year deferral period.

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

798 Section 14. Section **59-2-1801** is amended to read:

799 **59-2-1801. Definitions.**

800 As used in this part:

- 801 (1) "Abatement" means a tax abatement described in Section 59-2-1803.
- 802 (2) "Deferral" means a postponement of a tax due date or a tax notice charge granted in
803 accordance with Section 59-2-1802, 59-2-1802.1, or 59-2-1802.5.
- 804 (3) "Eligible owner" means an owner of an attached or a detached single-family
805 residence:
- 806 (a) (i) who is 75 years old or older on or before December 31 of the year in which the
807 individual applies for a deferral under this part;
- 808 (ii) whose household income does not exceed 200% of the maximum household
809 income certified to a homeowner's credit described in Section 59-2-1208; and
- 810 (iii) whose household liquid resources do not exceed 20 times the amount of property
811 taxes levied on the owner's residence for the preceding calendar year; or
- 812 (b) that is a trust described in Section 59-2-1805 if the grantor of the trust is an
813 individual described in Subsection (3)(a).
- 814 (4) "Household" means the same as that term is defined in Section 59-2-1202.
- 815 (5) "Household income" means the same as that term is defined in Section 59-2-1202.
- 816 (6) "Household liquid resources" means the following resources that are not included
817 in an individual's household income and held by one or more members of the individual's
818 household:
- 819 (a) cash on hand;
- 820 (b) money in a checking or savings account;
- 821 (c) savings certificates; and
- 822 (d) stocks or bonds.
- 823 (7) "Indigent individual" [~~is~~] means a poor individual as described in Utah
824 Constitution,
825 Article XIII, Section 3, Subsection (4), who:
- 826 (a) (i) is at least 65 years old; or
- 827 (ii) is less than 65 years old and:
- 828 (A) the county finds that extreme hardship would prevail on the individual if the
829 county does not defer or abate the individual's taxes; or
- 830 (B) the individual has a disability;
- 831 (b) has a total household income, as defined in Section 59-2-1202, of less than the

832 maximum household income certified to a homeowner's credit described in Section 59-2-1208;

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

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

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

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

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

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

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

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

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

845 (a) is county assessed; and

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

848 (i) a physical improvement if the fair market value of the physical improvement
849 increases enough to result in the valuation increase solely as a result of the physical
850 improvement;

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

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

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

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

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

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

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

863 [59-2-1301.5](#).

864 Section 15. Section **59-2-1802.1** is enacted to read:

865 **59-2-1802.1. Property tax deferral for property with a qualifying increase.**

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

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

868 (1)(b); and

869 (ii) has a qualifying increase for the calendar year that begins on January 1, 2023, or

870 January 1, 2024.

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

872 (i) June 30, 2025; or

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

874 (1)(a) is filed with a county board of equalization, the commission, or a court of competent

875 jurisdiction, 30 days after the day on which the county board of equalization, the commission,

876 or a court of competent jurisdiction issues a final, unappealable judgment or order.

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

878 (b) The property owner shall pay 20% of the taxes and tax notice charges due during

879 each year of the five-year deferral period.

880 (c) A county shall grant a separate five-year deferral period if an owner has a qualifying

881 increase for both the calendar year that begins on January 1, 2023, and the calendar year that

882 begins on January 1, 2024.

883 (3) (a) Taxes and tax notice charges deferred under this part accumulate as a lien

884 against the residential property.

885 (b) A lien described in this Subsection (3) has the same legal status as a lien described

886 in Section [59-2-1325](#).

887 (c) To release the lien described in this Subsection (3), an owner shall pay the total

888 amount subject to the lien on or before the earlier of:

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

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

891 (d) When the deferral period ends:

892 (i) the lien becomes due and subject to the collection procedures described in Section

893 [59-2-1331](#); and

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

895 (4) (a) Notwithstanding Section 59-2-1331, a county may not impose a penalty or
896 interest during the period of deferral.

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

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

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

903 (6) (a) For each property for which the county grants a deferral, the treasurer shall
904 maintain a record that is an itemized account of the total amount of deferred property taxes and
905 deferred tax notice charges subject to the lien.

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

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

912 (a) the option to file an appeal under the extended period described in Section
913 59-2-1006.1;

914 (b) instructions for filing an appeal;

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

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

918 Section 16. **Effective date.**

919 This bill takes effect on May 1, 2024.

920 Section 17. **Retrospective operation.**

921 (1) Except as provided in Subsection (2), this bill has retrospective operation to
922 January 1, 2024.

923 (2) The following sections have retrospective operation to January 1, 2023:

924 (a) Section 59-2-109.1; and

925

(b) Section [59-2-1006.1](#).