

Steve Eliason proposes the following substitute bill:

Property Tax Notice Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill modifies the property tax valuation notice requirements.

Highlighted Provisions:

This bill:

- provides that the county discretionary deferral program is available to an indigent individual;
- requires a county auditor to include on the property tax valuation notice:
 - a statement that a property owner who is 65 years old or older, disabled, or experiencing an extreme hardship, may be eligible for a deferral on the property owner's primary residence; and
 - a telephone number to obtain information about how to apply for a deferral;
- makes technical corrections; and
- includes a coordination clause to provide that the changes to S.B. 197, Property Tax Amendments, supersede the changes to this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

This bill provides retrospective operation.

Utah Code Sections Affected:

AMENDS:

59-2-919.1 (Effective 05/07/25) (Applies beginning 01/01/25), as last amended by Laws of Utah 2024, Chapter 246

59-2-1802 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 241

Utah Code Sections affected by Coordination Clause:

59-2-919.1, as last amended by Laws of Utah 2024, Chapter 246

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

The following section is affected by a coordination clause at the end of this bill.

Section 1. Section 59-2-919.1 is amended to read:

59-2-919.1 (Effective 05/07/25) (Applies beginning 01/01/25). Notice of property valuation and tax changes.

- (1) In addition to the notice requirements of Section 59-2-919, the county auditor, on or before July 22 of each year, shall notify each owner of real estate who is listed on the assessment roll.
- (2) The notice described in Subsection (1) shall:
- (a) except as provided in Subsection [(4)] (5), be sent to all owners of real property by mail 10 or more days before the day on which:
 - (i) the county board of equalization meets; and
 - (ii) the taxing entity holds a public hearing on the proposed increase in the certified tax rate;
 - (b) be on a form that is:
 - (i) approved by the commission; and
 - (ii) uniform in content in all counties in the state; and
 - (c) contain for each property:
 - (i) the assessor's determination of the value of the property;
 - (ii) the taxable value of the property;
 - (iii)(A) the deadline for the taxpayer to make an application to appeal the valuation or equalization of the property under Section 59-2-1004; or
 - (B) for property assessed by the commission, the deadline for the taxpayer to apply to the commission for a hearing on an objection to the valuation or equalization of the property under Section 59-2-1007;
 - (iv) for a property assessed by the commission, a statement that the taxpayer may not appeal the valuation or equalization of the property to the county board of equalization;
 - (v) itemized tax information for all applicable taxing entities, including:
 - (A) the dollar amount of the taxpayer's tax liability for the property in the prior year; and
 - (B) the dollar amount of the taxpayer's tax liability under the current rate;

- (vi) the following, stated separately:
- (A) the charter school levy described in Section 53F-2-703;
 - (B) the multicounty assessing and collecting levy described in Subsection 59-2-1602(2);
 - (C) the county assessing and collecting levy described in Subsection 59-2-1602(4);
 - (D) levies for debt service voted on by the public;
 - (E) levies imposed for special purposes under Section 10-6-133.4;
 - (F) ~~[for a fiscal year that begins on or after July 1, 2023,]~~the combined basic rate as defined in Section 53F-2-301; and
 - (G) if applicable, the annual payment described in Subsection 63H-1-501(4)(a);
- (vii) the tax impact on the property;
- (viii) the date, time, and place of the required public hearing for each entity;
- (ix) property tax information pertaining to:
- (A) taxpayer relief;
 - (B) options for payment of taxes;
 - (C) collection procedures; and
 - (D) the residential exemption described in Section 59-2-103;
- (x) information specifically authorized to be included on the notice under this chapter;
- (xi) the last property review date of the property as described in Subsection 59-2-303.1(1)(c);
- (xii) instructions on how the taxpayer may obtain additional information regarding the valuation of the property, including the characteristics and features of the property, from at least one the following sources:
- (A) a website maintained by the county; or
 - (B) the county assessor's office; and
- (xiii) other information approved by the commission.
- (3) If a taxing entity that is subject to the notice and hearing requirements of Subsection 59-2-919(4) proposes a tax increase, the notice described in Subsection (1) shall state, in addition to the information required by Subsection (2):
- (a) the dollar amount of the taxpayer's tax liability if the proposed increase is approved;
 - (b) the difference between the dollar amount of the taxpayer's tax liability if the proposed increase is approved and the dollar amount of the taxpayer's tax liability under the current rate, placed in close proximity to the information described in

Subsection (2)(c)(viii);

(c) the percentage increase that the dollar amount of the taxpayer's tax liability under the proposed tax rate represents as compared to the dollar amount of the taxpayer's tax liability under the current tax rate; and

(d) for each taxing entity proposing a tax increase, the dollar amount of additional ad valorem tax revenue, as defined in Section 59-2-919, that would be generated each year if the proposed tax increase is approved.

(4) In addition to any other tax relief information required under Subsection (2)(c)(ix)(A), a notice sent to a residential property shall:

(a) state, "If you are 65 years old or older, disabled, or experiencing extreme hardship, and this property is your primary residence, you may be eligible to defer payment of this property tax."; and

(b) include a telephone number, or a website address on which a telephone number is prominently listed, that the property owner may call to obtain additional information about applying for a deferral.

~~[(4)]~~ (5)(a) Subject to the other provisions of this Subsection ~~[(4)]~~ (5), a county auditor may provide, at the county auditor's discretion, ~~[provide]~~ the notice required by this section to a taxpayer by electronic means if a taxpayer makes an election, according to procedures determined by the county auditor, to receive the notice by electronic means.

(b)(i) If a county auditor sends a notice required by this section ~~[is sent]~~ by electronic means, [a] the county auditor shall attempt to verify whether a taxpayer receives the notice.

(ii) If the county auditor cannot verify receipt of the notice sent by electronic means [cannot be verified] 14 days or more before the county board of equalization meets and the taxing entity holds a public hearing on a proposed increase in the certified tax rate, the county auditor shall send the notice required by this section [shall also be sent] by mail as provided in Subsection (2).

(c) A taxpayer may revoke an election to receive the notice required by this section by electronic means if the taxpayer provides written notice to the county auditor on or before April 30.

(d) An election or a revocation of an election under this Subsection ~~[(4)]~~ (5):

(i) does not relieve a taxpayer of the duty to pay a tax due under this chapter on or before the due date for paying the tax; or

(ii) does not alter the requirement that a taxpayer appealing the valuation or the equalization of the taxpayer's real property submit the application for appeal within the time period provided in Subsection 59-2-1004(3).

(e) A county auditor shall provide the notice required by this section as provided in Subsection (2), until a taxpayer makes a new election in accordance with this Subsection [(4)] (5), if:

(i) the taxpayer revokes an election in accordance with Subsection [(4)(e)] (5)(c) to receive the notice required by this section by electronic means; or

(ii) the county auditor finds that the taxpayer's electronic contact information is invalid.

(f) A person is considered to be a taxpayer for purposes of this Subsection [(4)] (5) regardless of whether the property that is the subject of the notice required by this section is exempt from taxation.

Section 2. Section 59-2-1802 is amended to read:

59-2-1802 (Effective 05/07/25). Tax and tax notice charge deferral -- County discretion to grant deferral -- Creation of lien and due date.

(1)(a) In accordance with this part and after receiving an application and giving notice to the taxpayer, a county may grant a deferral to an owner who is an indigent individual on residential property.

(b) In determining whether to grant an application for a deferral under this section, a county shall consider an asset transferred to a relative by an applicant for deferral, if the transfer took place during the three years before the day on which the applicant applied for deferral.

(2) A county may grant a deferral described in Subsection (1) at any time:

(a) after the holder of each mortgage or trust deed outstanding on the property gives written approval of the application; and

(b) if the applicant is not the owner of income-producing assets that could be liquidated to pay the tax.

(3)(a) Taxes and tax notice charges deferred under this part accumulate with interest and applicable recording fees as a lien against the residential property.

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

(c) To release the lien described in this Subsection (3), an owner shall pay the total amount subject to the lien:

- (i) upon the owner selling or otherwise disposing of the residential property; or
- (ii) when the residential property is no longer the owner's primary residence.
- (d)(i) Notwithstanding Subsection (3)(c), an owner that receives a deferral does not have to pay the deferred taxes, deferred tax notice charges, or applicable recording fees when the residential property transfers:
- (A) to the owner's surviving spouse as a result of the owner's death; or
- (B) between the owner and a trust described in Section 59-2-1805 for which the owner is the grantor.
- (ii) After the residential property transfers to the owner's surviving spouse, the deferred taxes, deferred tax notice charges, and applicable recording fees are due:
- (A) upon the surviving spouse selling or otherwise disposing of the residential property; or
- (B) when the residential property is no longer the surviving spouse's primary residence.
- (e) When the deferral period ends:
- (i) the lien becomes due and subject to the collection procedures described in Section 59-2-1331; and
- (ii) the date of levy is the date that the deferral period ends.
- (4)(a) If a county grants an owner more than one deferral for the same single-family residence, the county is not required to submit for recording more than one lien.
- (b) Each subsequent deferral relates back to the date of the initial lien filing.
- (5)(a) For each residential property for which the county grants a deferral, the treasurer shall maintain a record that is an itemized account of the total amount of deferred property taxes and deferred tax notice charges subject to the lien.
- (b) The record described in this Subsection (5) is the official record of the amount of the lien.
- (6) Taxes and tax notice charges deferred under this part bear interest at a rate equal to 50% of the rate described in Subsections 59-2-1331(2)(c) and (d).

Section 3. **Effective Date.**

This bill takes effect on May 7, 2025.

Section 4. **Retrospective operation.**

This bill has retrospective operation to January 1, 2025.

Section 5. **Coordinating S.B. 16 with S.B. 197.**

If S.B. 16, Property Tax Notice Amendments, and S.B. 197, Property Tax Amendments,

- _ 199 both pass and become law, the Legislature intends that, on May 7, 2025, the changes to
- _ 200 Section 59-2-919.1 in S.B. 197 supersede the amendments to Section 59-2-919.1 in S.B. 16.