

**59-2-1004.5 Valuation adjustment for decrease in taxable value caused by a natural disaster.**

- (1) For purposes of this section:
  - (a) "natural disaster" means:
    - (i) an explosion;
    - (ii) fire;
    - (iii) a flood;
    - (iv) a storm;
    - (v) a tornado;
    - (vi) winds;
    - (vii) an earthquake;
    - (viii) lightning;
    - (ix) any adverse weather event; or
    - (x) any event similar to an event described in this Subsection (1), as determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  - (b) "natural disaster damage" means any physical harm to property caused by a natural disaster.
- (2) Except as provided in Subsection (3), if, during a calendar year, property sustains a decrease in taxable value that is caused by natural disaster damage, the owner of the property may apply to the county board of equalization for an adjustment in the taxable value of the owner's property as provided in Subsection (4).
- (3) Notwithstanding Subsection (2), an owner may not receive the valuation adjustment described in this section if the decrease in taxable value described in Subsection (2) is:
  - (a) due to the intentional action or inaction of the owner; or
  - (b) less than 30% of the taxable value of the property described in Subsection (2) before the decrease in taxable value described in Subsection (2).
- (4)
  - (a) To receive the valuation adjustment described in Subsection (2), the owner of the property shall file an application for the valuation adjustment with the county board of equalization on or before the later of:
    - (i) the deadline described in Subsection 59-2-1004(2); or
    - (ii) 45 days after the day on which the natural disaster damage described in Subsection (2) occurs.
  - (b) The county board of equalization shall hold a hearing:
    - (i) within 30 days of the day on which the application described in Subsection (4)(a) is received by the board of equalization; and
    - (ii) following the procedures and requirements of Section 59-2-1001.
  - (c) At the hearing described in Subsection (4)(b), the applicant shall have the burden of proving, by a preponderance of the evidence:
    - (i) that the property sustained a decrease in taxable value, that:
      - (A) was caused by natural disaster damage; and
      - (B) is at least 30% of the taxable value of the property described in this Subsection (4)(c)(i) before the decrease in taxable value described in this Subsection (4)(c)(i);
    - (ii) the amount of the decrease in taxable value described in Subsection (4)(c)(i); and
    - (iii) that the decrease in taxable value described in Subsection (4)(c)(i) is not due to the action or inaction of the applicant.
  - (d) If the county board of equalization determines that the applicant has met the burden of proof described in Subsection (4)(c), the county board of equalization shall reduce the valuation of the property described in Subsection (4)(c)(i) by an amount equal to the decrease in taxable

value of the property multiplied by the percentage of the calendar year remaining after the natural disaster damage occurred.

- (e) The decision of the board of equalization shall be provided to the applicant, in writing, within 30 days of the day on which the hearing described in Subsection (4)(b) is concluded.
- (5) An applicant that is dissatisfied with a decision of the board of equalization under this section may appeal that decision under Section 59-2-1006.

Amended by Chapter 382, 2008 General Session