

WCT

Why I Like My Community



4th & 7th GRADE
ESSAY CONTEST



Legislative Policy Committee

February 20, 2024



AGENDA:

1. General Session Update
2. Housing & Land Use
3. Infrastructure Funding
4. Water & Natural Resources
5. Homelessness Update
6. Government Administration
7. Other Topics
8. Ratify Bill Tracker
9. Adjourn

REMINDERS:

- Make sure you are signed up for daily updates and Friday Facts
- **1) Partnership, not preemption**
- **2) The state has a tight budget and so do cities**

UPCOMING MEETINGS:

Legislative Policy Committee:

- February 26th @ 12 PM (*hybrid*)

Session Checkpoint

Session LPC #5

Day 35

Week 6

ULCT Tracking

24.7%

of all bills

ULCT tracking 226 bills | 916 bills/resolutions numbered | 933 TOTAL numbered last year



Quick Update on Previous LPC Discussions

- **SB28 - Scenic Byways - Passed the Senate - Assigned to House Transportation Committee**
- **HB13 - Infrastructure Districts - Passed House, Passed Senate Committee - Waiting for Senate Floor Debate**
- **SB172 - Protection Area Revisions - Sponsor changed to Senator Bramble - Still in Rules**
- **HB502 - Critical Infrastructure and Mining - Assigned to House Natural Resources Committee**
- **SB91 - Local Government Compensation Amendments - Waiting for House Floor Debate**
- **HB335 - State Grant Process Amendments - Circled on House Floor**
- **HB367 - Local Government Fees Amendments - Passed House - In Senate Rules**
- **HB489 - Party Affiliation Disclosure Amendments - Was not heard in committee**
- **HB84 - School Safety Amendments - Third Sub - Passed House - In Senate Rules**

Housing & Land Use



DRAFT LEGISLATION

HB 289– Property Rights
Ombudsman Amendments
(Birkeland)



Staff recommendation: Oppose

HB 289 adds **consequential damages** to for prevailing parties of land use disputes resolved in court if the decision is consistent with a Property Rights Ombudsman (PRO) opinion...

Property Rights Ombudsman Process (existing law)

- When a land use dispute arises, parties can request an opinion from the PRO.
- If parties disagree with the PRO opinion, they can still proceed to court.
- If the dispute is resolved consistently with the PRO's ruling, the prevailing party can collect reasonable attorneys fees.
- If the court finds that the municipality knowingly and intentionally violated the law governing the cause of action, awards a \$250/day fee.

DRAFT LEGISLATION

HB 289– Property Rights
Ombudsman Amendments
(Birkeland)



Issue	Original HB 289 (Birkeland)	Second Substitute (Loubet)	New Amendment
Reasonable Attorneys Fees	-Shall to substantially prevailing party	-Shall to substantially prevailing party	-May
Consequential Damages	-Shall -No standard of proof for bad faith	-Shall -Knowingly & Intentionally	-May -Knowingly & Intentionally
Fine of \$250 per day	-Shall -Knowingly & Intentionally	-Same as Original	-May -Knowingly & Intentionally

Staff recommendation: Oppose

DRAFT LEGISLATION

SB 185 – Residential Building
Inspection Amendments (Vickers)



*Staff recommendation: Oppose as
drafted*

SB 185 as drafted:

- Authorizes building permit holders to contract with 3rd party building inspectors to enforce building code
- Requires local governments to accept approval from 3rd party building inspectors

“Problem” they are trying to solve:

- Bypass city: timeliness, inconsistencies, process, disputes

Why we oppose:

- 1) Builders should not choose their own inspectors
- 2) City is responsible for the safety of structures and the health/safety of their residents (liability)
- 3) Our data shows 99% of cities are meeting the 3 day req't in state law for inspections so why have a bill?

Potential alternative:

- A) We are open to a timely dispute resolution tool

These bills aim to make homeownership more attainable for Utahns

By Daniel Woodruff, KSL-TV | Posted - Feb. 15, 2024 at 1:55 p.m.

DeseretNews

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POLITICS UTAH

Lawmakers tackle housing shortage via regulatory reform, not new funding

Legislators face a tight budget amid requests from Gov. Spencer Cox to allocate millions for new programs

By Brigham Tomco | Feb 14, 2024, 7:28pm MST

What is being done to make housing more affordable in Utah?



FOX 13

SEARCH ► FOX 13 UTAH

android tv firetv Roku

The hottest trend in U.S. cities? Changing zoning rules to allow more housing

FEBRUARY 17, 2024 · 6:00 AM ET



Senate President Stuart Adams isn't giving up his ideal of the American dream.

“It felt to me like, previous to last session, we’ve been focusing on getting people into apartments and focusing on multifamily zoning, trying to get additional density in cities,” Adams told The Tribune. “It just felt to me like we’d lost the focus on the American dream. And that is actually homeownership.”

As interest rates lower, Adams believes demand for the first-time homebuyers program will only grow.



Plus, he’s “hoping that the cities will allow for smaller lots for the product line that allows people to get into a first home at that [lower] price point.”

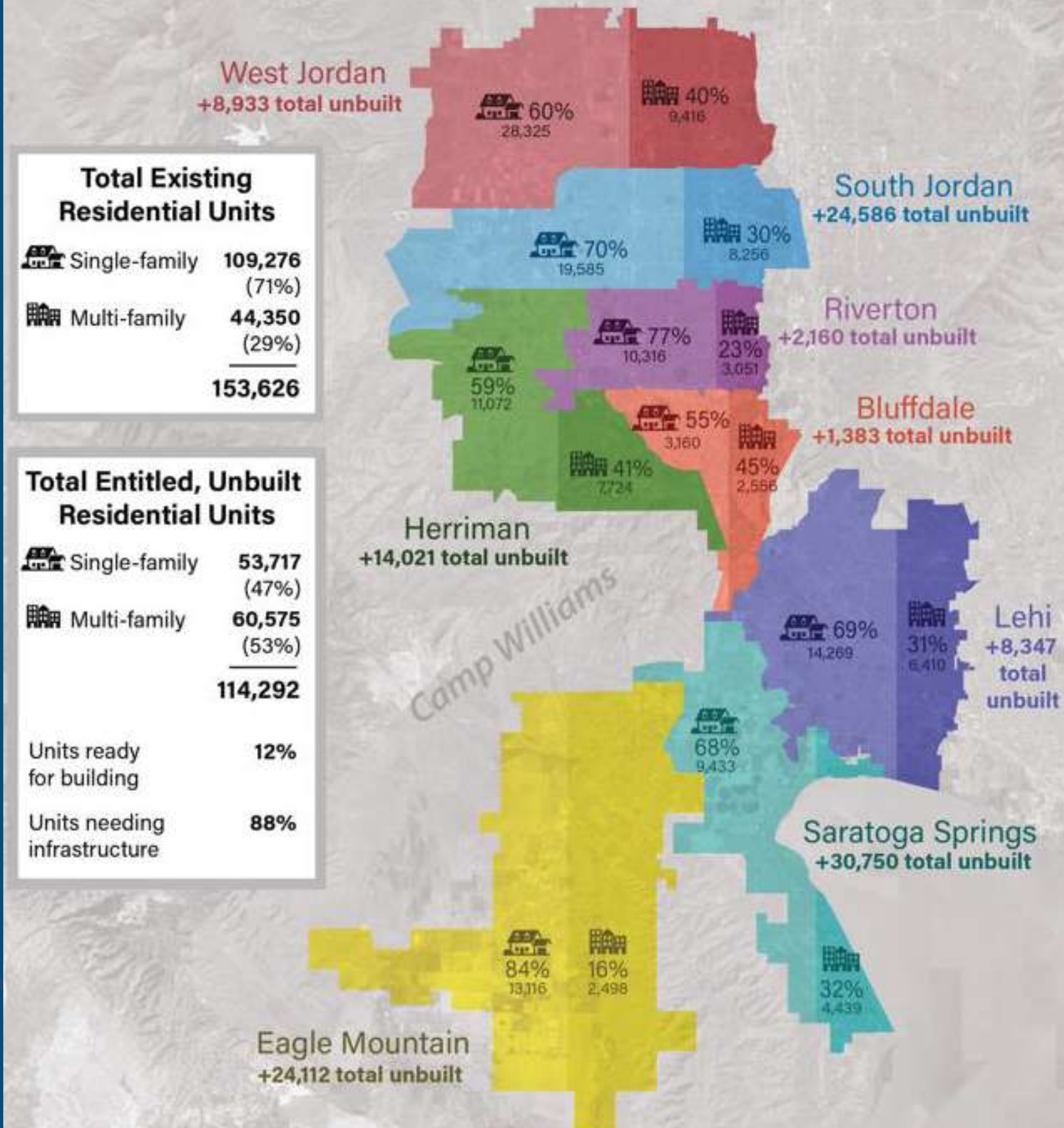
Vested Residential Units

Southwestern Salt Lake County Northwestern Utah County

Current Estimated Housing Stock

Updated
Summer 2023

 Single-family/detached  Multi-family/attached



Total Existing Residential Units

 Single-family	109,276 (71%)
 Multi-family	44,350 (29%)
	153,626

Total Entitled, Unbuilt Residential Units

 Single-family	53,717 (47%)
 Multi-family	60,575 (53%)
	114,292
Units ready for building	12%
Units needing infrastructure	88%

Rumbling 1 (similar to HB 306)

Key Provisions:

- All residential areas shall allow 8 single family detached units to the acre SO LONG AS 6 units are deed restricted at some AMI

Board principles: *Oppose*

Jan ideas

Key Provisions:

- Cities shall allow at least 8 units/acre (single family, townhomes, condos) in % of city's residential zones
- builders would access the zoning so long as they build % affordable, owner-occupied units
- limited "credit" for city's existing/plan housing
- Third party review of zoning

LPC slido 1/22: *concerned*

Rumbling 5

Key Provisions:

- facilitate small units/lots
 - parking, setback, open space
- MIHP reports/data
- tax increment zone, PTIF to facilitate first homes
 - infra \$, or
 - finance housing, or
 - buy down price
- Criteria for use:
 - builder targets: affordable, ownership
 - cities: plan for sufficient density

Staff rec: *deliberate w/ stakeholders*



New housing product

Modular Housing(SB 168)



Financing tools

- a) Infra districts (HB 13)
- b) PTIF (HB 572)
- c) FHIZ (SB 268)
- d) other ideas



Process updates

- a) CHA bill (HB 465)
- b) LUTF (HB 476)



Partnership, not preemption, in planning for housing

(but, other bad bills are still out there)

DRAFT LEGISLATION

HB 306 – Residential Housing
Amendments (Ward)



Applies to cities in all first & second class counties and cities of 15k+ in third class counties

Cities have to allow 8 units to acre

Starter home = 5 year deed restriction to be owner-occupied; must be initially sold to first time buyer

~~Cities can only impose impact fees for roads, sewer, and fire protection~~

Staff recommendation: Oppose

DRAFT LEGISLATION

HB 572 – State Treasurer
Investment Acts (Spendlove)



*Staff recommendation: support in
concept, continue working*

Public Treasurers Investment Fund background

- Between 2017 and 2023, PTIF doubled to \$30 billion
- PTIF currently yielding 5.47% one-year rate of return

Bill would:

- 1) create Utah Homes Investment Program oversight council
- 2) authorize State Treasurer to invest up to \$300 million of state funds as **deposits** to lenders for “qualified projects” (QPs)
- 3) “Qualified project” = housing proposal with
 - a) 60% sold at “first home” levels (affordability)
 - b) owner-occupancy req’ts for 5 years
 - c) Max of 75% of overall QP financing
- 4) Financing:
 - a) Treasurer offers loan at a rate no higher than 1.5% above fed funds effective rate at time of investment
- 5) Repayment:
 - a) with interest at a rate equal to greater of fed funds effective rate minus 2%, and .5%
 - b) earlier of 24 months, loan repayment, or sale of last QP house

DRAFT LEGISLATION

SB 268 - First Home
Investment Zone Act
(Harper)



*Staff recommendation:
support in concept,
continue working*

- 1) City option to propose
- 2) Proposal must include a center AND extra-territorial areas:
 - a) 30 housing units to acre for the overall project
 - b) 51% of developable acreage within the center for housing
 - c) 50%+ total housing units must be owner-occupied
 - d) 20%+ total housing units must be “affordable”
 - e) Can count extra-t units toward the 30 req’t
 - i) Example: 50 acres in center with 26 acres x 30 units = 780 units
 - ii) 40% extra-t = 312 owner-occupied at 8+ units per acre; 60% center = 468 units
- 3) HTRZ comm approves
 - a) awards up to 60% of tax increment for 25/45 years from taxing entities for system or project infrastructure



DRAFT LEGISLATION

Residential tax increment concept

- 1) City option to act
- 2) Contemplated to be smaller in size than FHIZ
- 3) If a city upzones to at least 8 units to the acre, then the city can collect up to 60% of the add'l tax increment from other taxing entities for system or project infra
- 4) The units must have a % of units that for period of time are both owner-occupied (no STRs too) and affordable
 - a) Example: current zoning is 3 units to the acre. City upzones from 3 to 8. City can collect 60% of the add'l tax increment from those add'l 5 units.
- 5) No taxing entity committee or HTRZ committee involvement

*Staff recommendation:
position pending, because
no bill yet*

UTAH PARKING MODERNIZATION GUIDEBOOK

SEPTEMBER 2023

PREPARED BY

FEHR PEERS

LELAND
CONSULTING
GROUP



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Transportation



DRAFT LEGISLATION

HB 430 – Local Gov't
Transportation Services
Amendments 1st sub



*Staff recommendation: supportive
of transit innovation grants;
position pending on other details*

- UTA shall provide an accounting report to each city about revenues & services
- Transit innovation grant (TIG) to pilot ways to increase ridership (ULCT concept to UEOC)
 - Transit Transportation Investment Fund (TTIF)
 - 5th 5th (.20)
 - % of existing revenue (4 quarters, other)

Other Qs to answer:

- 1) How much of existing revenue should go to TIGs?
- 2) Grants in some or all of UTA district?
- 3) Who selects & administers the grants?
- 4) Criteria and time frame of grants?

WFRC, MAG, and ULCT are coordinating with Rep. Pierucci, UTA, & UDOT and will have follow up meeting asap

A decorative graphic at the top of the page featuring a blue splash or wave pattern. The splash is composed of several rounded, overlapping shapes in various shades of blue, with a few small, solid blue circles scattered within the upper part of the splash.

Water

DRAFT LEGISLATION

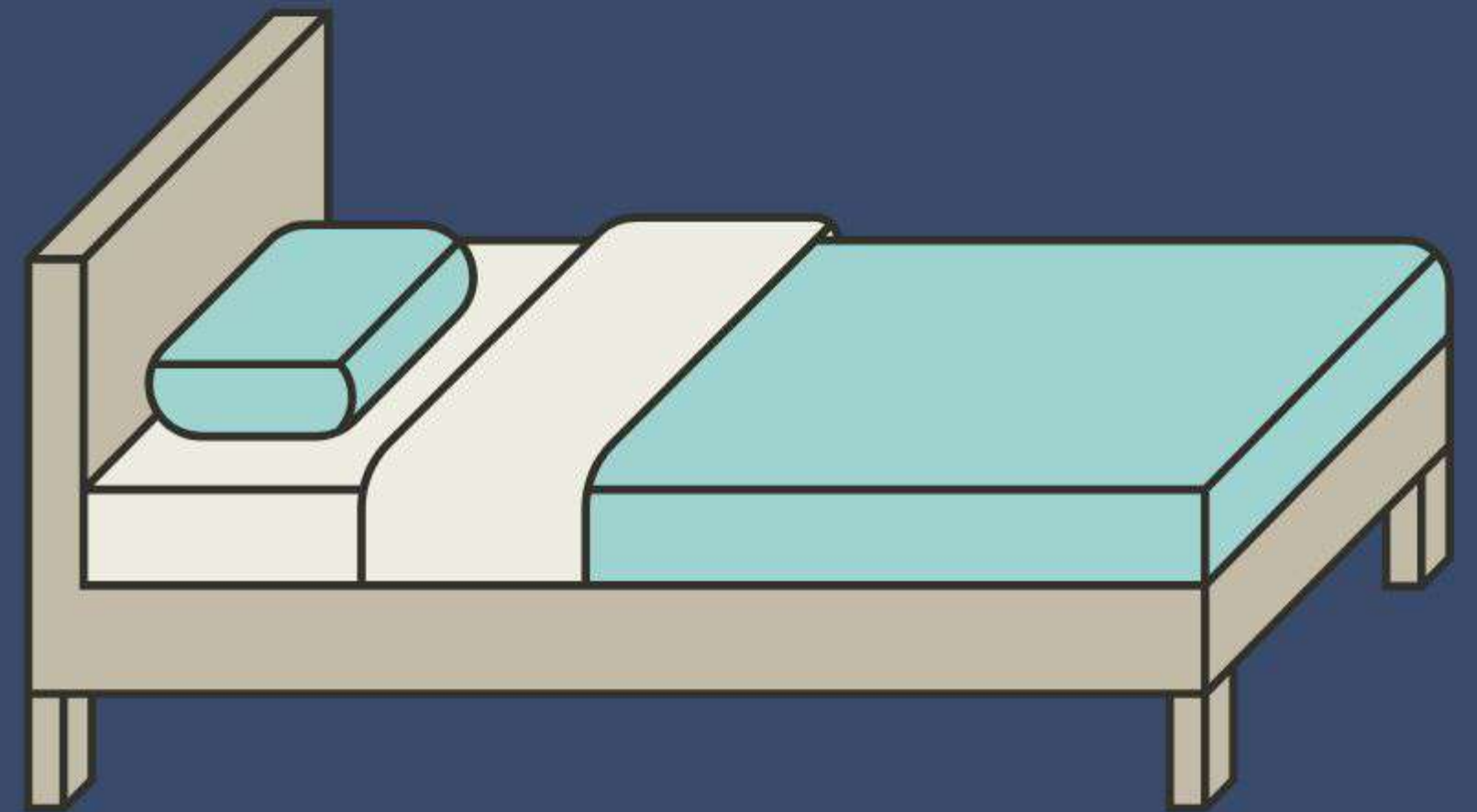
HB 507 – Construction Amendments (Musselman) Stormwater Bill



- No local or state agencies can adopt permits or rules that are more stringent than the Federal Clean Water Act or Safe Drinking Water Act
- Directs Division of Water Quality to determine standard operating procedures
- Requires each municipal system to determine their best management practice method (singular) and publish it on a website
- Stormwater permits are automatically issued if the municipality does not issue a permit within three days of receiving the application
- Standardizes violation cure process & sets fines
- Does not allow for post construction runoff controls in GSL drainage basin

*Staff recommendation:
Oppose as written*

Homelessness





Salt Lake Chamber of Commerce

Homelessness Appropriation Press Conference

DRAFT LEGISLATION

HB 421 2nd Sub–
Homelessness Amendments
(Eliason)



*Staff recommendation: Neutral
as drafted*

- 1. Increases Code Blue from 15° to 18°**
 - a. Includes wind chill
- 2. Allows municipalities to implement their own emergency measures**
- 3. Requires municipalities to enforce pedestrian safety ordinances to qualify for the mitigation fund**
 - a. “Panhandling”
- 4. Rollover mitigation funds**
 - a. Allows for funds to be rolled over rather than have all the contracts redrawn
 - b. Funds will go to corresponding tiers.
- 5. Clarifies contribution offsets**
 - a. \$250 per qualifying bed per year

DRAFT LEGISLATION

HB 298 2nd Sub –
Homelessness Services
Amendments (Clancy)



Staff recommendation: support

- 1. Reduces the State Homeless Council to 11 & renames as the Homeless Service Board**
 - a. Reduces mayors from 5 seats to 2 seats
 - i. SLC mayor
 - ii. Mayor selected from the Shelter City Advisory Council
 - b. Executive Council has 1 of the 2 mayors

- 2. Creates the Shelter City Advisory Council**
 - a. Consists of mayors (or designees) from each Tier 1 & Tier 2 shelter city (10 total)
 - b. Appoint the one mayor to the Homeless Service Board
 - c. May make policy/program recs to Homeless Services Board

- 3. Code Blue Provisions**
 - a. Allows camp abatement
 - b. Requires approval for publicly owned facilities

- 4. Requires increased data collection & reporting from OHS**

DRAFT LEGISLATION

HB 314 1st Sub– Homelessness
Revisions (Abbott)



*Staff recommendation: oppose
as drafted*

- 1. Requires OHS to establish best practices for municipalities with shelters, daytime resource centers, transitional housing, permanent supportive housing, or any other homeless services and requires municipalities to issue annual reports for how they are complying.**
- 2. Reduces Mitigation Contributions**
 - a. 1.8%
 - b. \$275k cap
- 3. Requires municipalities to compensate private property owners for damages due to the location of a aforementioned facility**
- 4. Allows DPS to assume responsibility for providing law enforcement in an area of OHS determines the municipality is not adequately responding.**



Government Operations

CONVERSATIONS

& NEGOTIATIONS

Religion in the Workplace

- HB 396 - Workplace Discrimination Amendments (Brammer)
- SB 150 - Exercise of Religion Amendments (Weiler)
- HB 460 - Government Employee Conscience Protection (M. Petersen)

DRAFT LEGISLATION

HB 396 – Workplace
Discrimination Amendments



*Staff recommendation:
Neutral*

- Employer cannot take action or inaction that burdens or offends religious beliefs
 - Dress and grooming, speech, scheduling, prayer, and abstention
- UNLESS:
 - Cause undue burden on employer by substantially interfering with the employer's:
 - Core mission
 - Employer's ability to conduct business in an effective or financially reasonable manner;
 - Ability to provide training and safety instruction

DRAFT LEGISLATION

SB 150 – Exercise of Religion
Amendments



*Staff recommendation:
Position pending*

- Mini-RFRA (Religious Freedom Restoration Act)
- Cannot substantially burden the free exercise of religion unless the burden:
 - is essential to furthering a compelling governmental interest; and is
 - the least restrictive means of furthering the compelling governmental interest.
- Any person who files a claim against the government and wins is entitled to reasonable attorneys fees and costs.

DRAFT LEGISLATION

SB 150 – Exercise of Religion
Amendments



*Staff recommendation:
Position Pending*

- **Concern:** Government entity includes “action taken by a person other than a government entity to:
 - enforce a law;
 - compel a government to act;
 - prohibit a government entity from acting;
 - use an administrative or judicial proceeding of a government entity;
 - instrumentally or function of a government entity, to exert government power, authority, or influence.

DRAFT LEGISLATION

HB 460 – Government Employee
Conscience Protection



Staff recommendation: Oppose

- Prohibits a governmental employer from denying an employee's request to be relieved of performing a certain task if:
 - Performing the task would conflict with the employee's sincerely held religious belief OR conscience.
- Governmental employer does NOT have to grant the request if:
 - Task is part of training or safety instructions;
 - Not impose substantial increase in costs to operations and budget
 - Deficit in the amount of work for which the employee is compensated OR
 - Create a conflict with an existing legal obligation

DRAFT LEGISLATION

HB 460 – Government Employee
Conscience Protection



Staff recommendation: Oppose

- Requires Gov. Entity to respond to written request within 10 days with a justification and identifying how request would increase the costs if allowed.
- Permits a municipality to create a policy establishing the process by which an employee should take to request an accommodation.
- Establishes a right of action for employee if they followed the process and city policy

DRAFT LEGISLATION

HB 460 – Government Employee
Conscience Protection



Staff recommendation: Oppose

- Establishes a right of action for employee if they followed the statutory process, city policy, and the denial to the employee's request imposed is undue hardship.
- Severe gag order (\$5,000 per day) limiting the governmental entity from making public comments about the employees request or even that there is a dispute with the employee after they have submitted the written request.
- Court mandated attorneys fees (shall)

DRAFT LEGISLATION

HB 491 - Data Privacy
Amendments



Staff recommendation:

- Requires municipalities to implement and maintain a privacy program including policies, practices and procedures for processing personal data
- Personal Data defined as: information that is linked or can reasonably be linked to an identified individual or an identifiable individual

DRAFT LEGISLATION

HB 491 - Data Privacy
Amendments



Staff recommendation:

- Shall file an annual report with the state privacy officer
- Employees who deal with personal data shall complete an annual training
- Municipalities shall provide notice to individuals from whom they collect personal data
- Notice shall be posted in a prominent place where the data is collected
- Outlines reporting requirements to individuals and State Cyber Center in case of a data breach

DRAFT LEGISLATION

HB 491 - Data Privacy
Amendments



Staff recommendation:

(2) A governmental entity:

(a) shall implement and maintain a privacy program before **May 1, 2025**, that includes the governmental entity's policies, practices, and procedures for the process of personal data;

(d) shall meet the requirements of this part for all processing activities implemented by a governmental entity after **May 1, 2024**;

DRAFT LEGISLATION





HB 491 - Data Privacy
Amendments



Staff recommendation:

(e) shall for any processing activity implemented before May 1, 2024, as soon as is reasonably practicable, but **no later than January 1, 2027**:

- (i) identify any non-compliant processing activity;
- (ii) document the non-compliant processing activity; and
- (iii) prepare a strategy for bringing the non-compliant processing activity into compliance with this part;

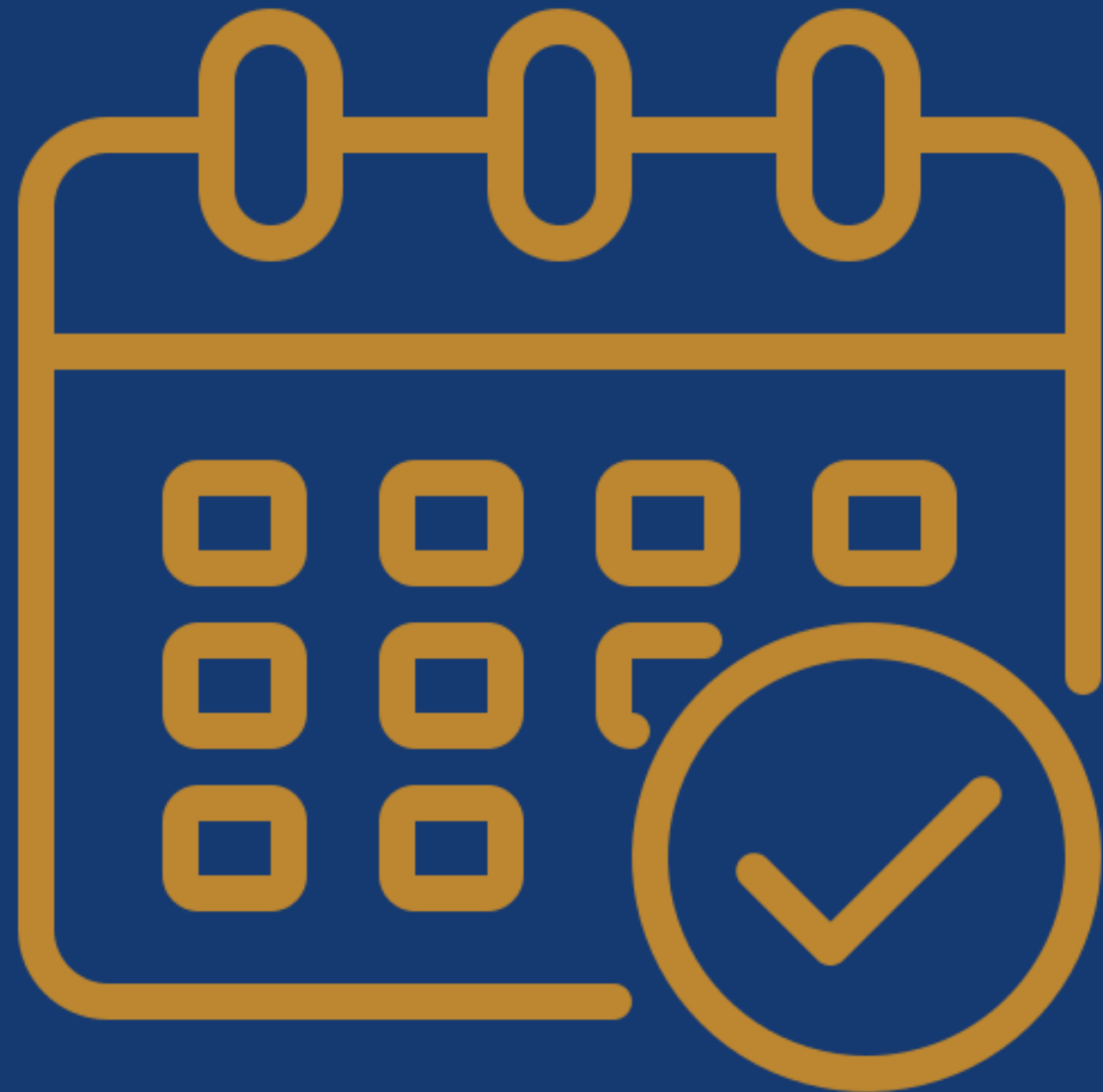
 Hot	Oppose
 Work	Support
 Watch	Position Pending
 Monitor	Neutral

Bill

Tracker

Ratify Positions

IMPORTANT DATES



Legislative Policy Committee:

- February 26th (*hybrid*)

Call/email/text us anytime down the stretch about bill impacts!

**MIDYEAR
CONFERENCE INFO**

ST. GEORGE | APRIL 17-19



Stay connected



**Sign up for Friday Facts &
Daily Legislative Recap**

Facebook:

**Utah League of Cities and
Towns**

X:

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Questions?



U
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#CitiesWork