

WCT

Why I Like My Community



4th & 7th GRADE
ESSAY CONTEST



Legislative Policy Committee

February 26, 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:

- **MIDYEAR!**

Session Checkpoint

Session LPC #6

Day 41

Week 7

ULCT Tracking

25.9%

of all bills

ULCT tracking 243 bills | **939** bills/resolutions numbered | 933 TOTAL numbered last year



Housing & Land Use





New housing product

Modular Housing (SB 168)



New financing tools

- a) Infra districts (HB 13)
- b) PTIF (HB 572)
- c) FHIZ (SB 268)
- d) *HOPZ (SB 168)*



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

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?

Alternative:

- A) We offered a timely dispute resolution tool

DRAFT LEGISLATION

SB 185 – Residential Building
Inspection Amendments (Vickers)



*Staff recommendation: Oppose as
drafted*

1st sub:

- a) Cities should not pay inspection fees for applicants
- b) Applies to entire construction code (building, electrical, plumbing, etc.)
- c) no way for the city to ensure the independence of the inspector

Slido Q: what do you think about an applicant being able to hire an inspector off of a randomized DCFM approved list?

DRAFT LEGISLATION

HB 518 – State Construction Code
Modifications (T. Peterson)



Staff recommendation: Neutral

What Does It Do:

- 1) Prohibits cities from withholding a permit or approval on a project because of an unrelated completed noncompliant structure* on the premises . . . Unless:
 - a) It is less than 5 years from when it was completed or
 - b) Health, life, safety concern

- 2) Prohibits cities from requiring a completed noncompliant structure from needing to obtain permits, inspections, or engineering if the structure:
 - a) Has been completed for more than 10 years and
 - b) Does not have a health, life, safety concern.

(This means that you can still require permits/inspections/engineering if it is over 10 years but is not safe).

*Not the same thing as grandfathered, legal nonconforming

DRAFT LEGISLATION

HB 518 – State Construction Code
Modifications (T. Peterson)



Staff recommendation: Neutral

What Does It Do:

- 3) Requires cities to cite the specific provisions why a project failed to comply and describe why a permit was withheld.
- 4) Prohibits cities from withdrawing C of O that have already been issued or exerting additional jurisdiction over the elements of the project if nothing has been changed after the C of O was issued.

DRAFT LEGISLATION

SB 168 3rd sub –Affordable
Building Amendments (Fillmore)



Staff recommendation: support

Ongoing language: modular housing framework

New language: Home Ownership Prosperity Zone (HOPZ)

- We discussed the concept at LPC on Feb. 20
- 1) 10 acres or less
 - a) City option to designate a HOPZ
 - b) City collects 60% of the TIF to pay for infrastructure for 15 years
- 2) 10 acres or more
 - a) City option to propose a HOPZ to the HTRZ committee
 - b) HTRZ committee can approve up to 60% of the TIF to pay for infrastructure for 15 years

Other Housing/Redevelopment Updates

Housing Set Aside - HB 465

- New change clarifies that RDAs must spend, encumber, or allot housing set aside funds within 6 years of receiving them.

FHIZ Prerequisite - SB 268/SB 168

- New proposal would prohibit a city within Salt Lake County from proposing a FHIZ or a HOPZ UNLESS the city's redevelopment agency's unencumbered cash balance is less than 20% of their ongoing unencumbered revenue.

DRAFT LEGISLATION

SB 258–Municipal Incorporation Amendments (Bramble)



*Staff recommendation: position
pending*

- 1) Creates a pilot program for a “preliminary municipality” (PM)
 - a) Max of 3 per year
 - b) Sunsets in 2031
- 2) 3 individuals can incorporate as PM
- 3) Lt. Governor appoints a board chair and board members who don’t have to be residents
- 4) No: tax authority, no sales or gas tax allocations
- 5) Yes: land use authority, contract w/service districts, fees, responsible for infrastructure
- 6) Transition process
 - a) 100 residents = becomes a town & hold elections
 - b) 2031 and less than 100 residents = disincorporates automatically

DRAFT LEGISLATION

HB 562 1st Sub – Utah Fairpark
Area Investment and
Restoration District (Wilcox)



*Staff recommendation: position
pending*

- **Utah Fairpark Area Investment & Restoration District**
 - State Fairpark
 - Jordan River Parkway in area
 - Board: 2 from Gov, 1 from House, 1 from Senate, 1 SLC council
 - Major League Baseball stadium
 - District exists & acts, even without a MLB team
- **Land use authority over:**
 - State owned Fairpark and office complexes
 - Private property (old Rocky Mtn Power site)
 - If no agreement reached by Jan 1, 2025, then district has land use authority
- **Local taxes:**
 - Diverts immediately all local taxes (property, sales, telecom, TRT)
 - District can impose resort community tax, muni energy

DRAFT LEGISLATION

HB 562 – Utah Fairpark Area
Investment and Restoration
District (Wilcox)



*Staff recommendation: position
pending*

- **Other:**
 - 20% of privilege tax for affordable housing
 - would dissolve existing RDA
 - At-risk student account
- **State taxes:**
 - Car rental tax increase of 1.5% for district
 - State TRT increase of 1.5% for district
 - .1 TRT allocated to counties of the 4th, 5th, & 6th class for EMS & search and rescue

DRAFT LEGISLATION

HB 562 – Utah Fairpark Area
Investment and Restoration
District (Wilcox)



*Staff recommendation: position
pending*

ULCT policy resolutions:

2017: “cannot support ... districts ... that would deprive local municipalities of their traditional land use authority on private property or deprive them of tax increment generated within their jurisdiction without their consent”

2023: “fundamentally opposes mandates that remove revenue from from local governments or transfer that revenue to a board, commission, or authority that is not comprised of local elected officials ... eliminate land use and zoning authority from municipalities”

ULCT doesn't weigh in on policy Qs beyond the role of cities

DRAFT LEGISLATION

HB 562 – Utah Fairpark Area
Investment and Restoration
District (Wilcox)



*Staff recommendation: position
pending*

SLC actively negotiating:

- 1) land use authority within the district area
- 2) tax increment and other taxes within the district area
- 3) “state interest”
- 4) impact on existing RDA
- 5) board membership composition

ULCT leadership is meeting regularly with SLC for updates

DRAFT LEGISLATION

SB 272 – Capital City
Reinvestment Zone
Amendments (McCay)



- 1) SLC must create a sports & entertainment project area & designate it as a PID
- 2) SLC may impose a .5% sales tax to be used for project area bonding, infrastructure, traffic mitigation, public safety, qualified stadium
- 3) State review committee
 - a) 2 Senate, 2 House, 1 Gov
 - b) review financial activities, make recommendations

Staff recommendation: neutral



Transportation



DRAFT LEGISLATION

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



- 1) UTA shall provide an accounting report to each city about revenues & services
- 2) Transit innovation grant (TIG) to pilot ways to increase ridership (ULCT concept to UEOC) in defined high growth areas
 - Transit Transportation Investment Fund (TTIF)
 - 5th 5th (.20)
 - **Requires .1 of the .10 from the 4th quarter (UTA)**
- 3) UDOT's Transportation Commission will prioritize TIGs & UDOT will administer all TIGs from all funding sources

Staff recommendation: support



Water

DRAFT LEGISLATION

HB 507 – Construction
Amendments (Musselman)
Stormwater Bill



- Requires each municipal system to determine their best management practices and publish them on their website
- Requires municipalities to publish a list of requirements for a complete application for a prevention plan permit
- Municipality shall complete the review of the prevention plan permit within 14 business days

DRAFT LEGISLATION

HB 507 – Construction
Amendments (Musselman)
Stormwater Bill



- Standardizes violation cure process
 - Allows at least 24 hours (2 times) to cure a violation
 - May stop construction earlier if there is an immediate threat to public safety
 - If the municipality has to intervene to clean up issues they may recoup costs
- Ongoing discussions about electronic inspections versus and in-person inspections.
- **Delayed implementation date - January 1, 2025**
 - understanding that we will continue working on this during interim



Natural Resources

DRAFT LEGISLATION

SB 172 – Protection Areas
Revisions



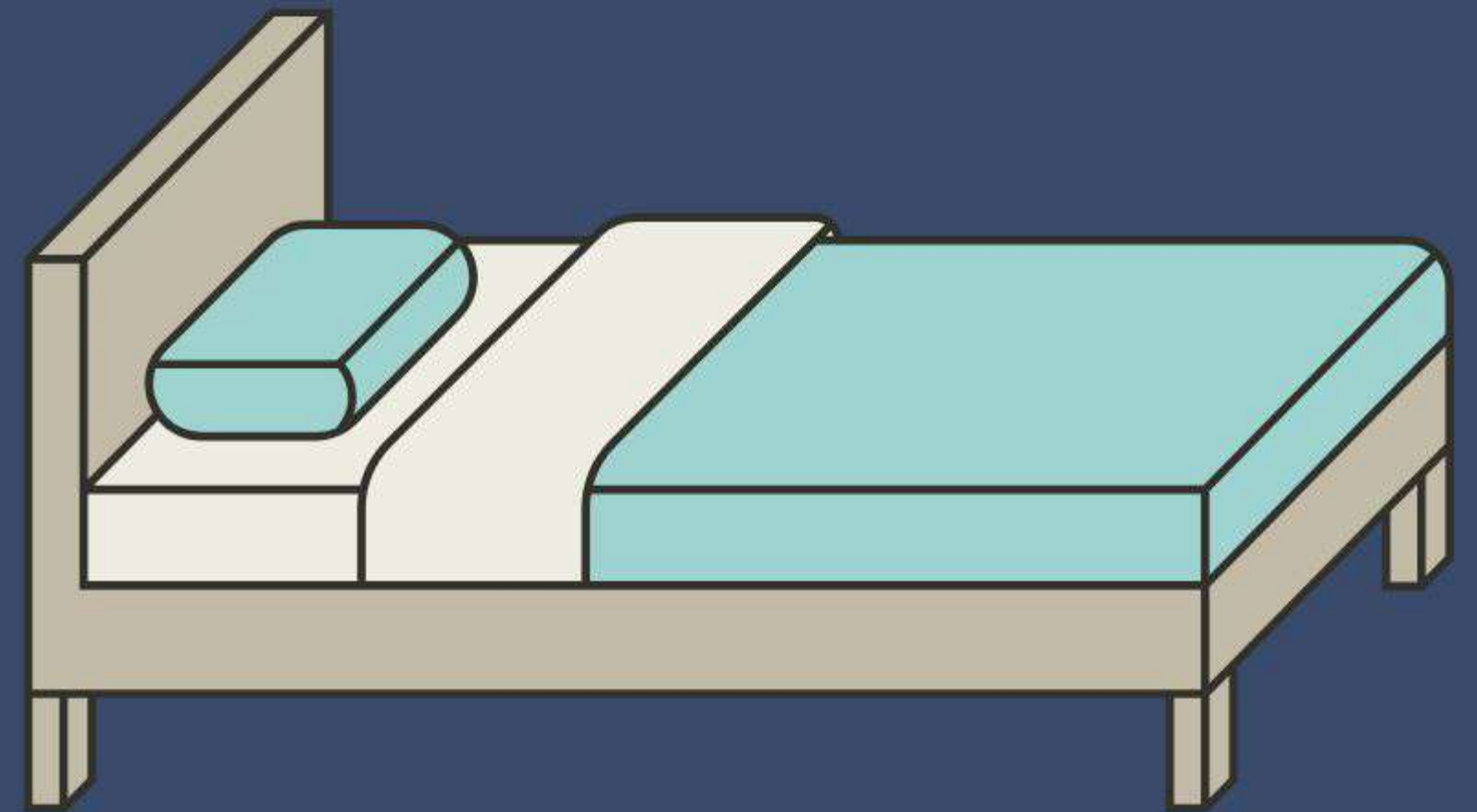
Staff recommendation: Oppose

Changes to Mining & Critical Infrastructure Protection Areas

- Senator Hinkins is no longer the sponsor
- Senator Bramble pulled the bill from committee

This bill will be part of interim discussions

Homelessness



DRAFT LEGISLATION

HB 421 4th Sub– Homelessness
Amendments (Eliaison)



*Staff recommendation: Neutral
as drafted*

1. Code Blue Provisions

- a. Increases Code Blue from 15° to 18°
 - i. Includes wind chill
- b. Allows municipalities to implement their own emergency measures

2. Winter Response

- a. Winter response carve out for 2nd class counties that implement year-round services

3. Mitigation Mechanics

- a. **Rollover mitigation funds**
 - i. Allows for funds to be rolled over rather than have all the contracts redrawn
 - ii. Funds will go to corresponding tiers.
- b. **Clarifies contribution offsets**
 - i. \$250 per qualifying bed per year

DRAFT LEGISLATION

HB 421 4th Sub– Homelessness
Amendments (Eliason)



*Staff recommendation: Neutral
as drafted*

4. Mitigation Eligibility

- a. OHS creates rules surrounding compliance with camping and pedestrian safety ordinances which considerations for bed capacity
- b. Shelter cities must enforce camping and pedestrian safety
- c. If a city is determined ineligible, funding redistributed to remaining cities or to DPS

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**

Executive Appropriations Released Friday

ONGOING Appropriations

FUNDED:

- Pamela Atkinson Liquor Store Round-Up
 - \$150k one-time
 - est. \$2-4m annually

NOT FUNDED:

- Shelter City Mitigation (\$2.5m)
- Housing and Community Development Staff (\$238k)
- Statewide Homeless System Support (\$10m)
- Olene Walker Housing Loan Fund (\$10m)
- Deeply Affordable Stabilization Grants (\$15m)

Executive Appropriations Released Friday

ONE-TIME Appropriations

PARTIALLY FUNDED

- Winter Response and System Stabilization (\$10m)
 - requested \$28.8m

NOT FUNDED

- Shared Equity Revolving Loan Fund (\$5m)
- Shelter Your Neighbor Public Education & Outreach (\$250k)
- Statewide Affordable Housing Construction(\$250k)
- Utah First Homes (\$25m)
- Low Barrier Shelter Development (\$25m)
- Low Barrier Shelter Operations for 3 Years (\$33.9m)
- Non-Congregate Shelter Operations for 3 Years (\$27.3m)
- Utah Housing Preservation Fund (\$10m)
- Municipal Planning Technical Assistance (\$4m)
- First Time Homebuyer Program (\$50m)
- Deeply Affordable Housing Grants (\$35m)



Government Operations





DRAFT LEGISLATION

HB 460 – Government Employee
Conscience Protection (in House
Committee)



*Staff recommendation:
Neutral*

<p>Undue Hardship: -Financial constraints -Operational disruption</p>	<p>Undue Hardship: -Substantial burden, privation, or adversity on a governmental entity that would result from granting an employee’s request to be relieved from performing a certain task when considering all relevant factors including . . .</p>
<p>Applicable: Governmental Employers</p>	<p>Applicable: Governmental Employers <u>EXCEPT</u> First Responders when they are performing a task related to the safety of the public.</p>
<p>Process: Request - 2 days after the request for the task Respond - 10 days after the request for the task</p>	<p>Process: Request - 2 days; Response - 5 days before the day the task is to be performed</p>
<p>Remedy: -Court immediately</p>	<p>Remedy: -Court immediately, but if you have a policy with a process (grievance process) - grant the request or address the employee’s concerns -Exhaustion of remedy</p>
<p>Damages: Shall: -Injunction to relieve of task or -Reinstate, rehire, backpay -Attorneys Fees</p>	<p>Damages: Shall: -Injunction to relieve from task, or -Reinstate, rehire, backpay May: Attorney fees and court costs</p>
<p>Gag Order: -\$5,000 for disclosure of request or contents in request</p>	<p>Gramma: -No penalty, but GRAMA as a protected record</p>

 Hot	Oppose
 Work	Support
 Watch	Position Pending
 Monitor	Neutral

Bill

Tracker

Ratify Positions

IMPORTANT DATES



Legislative Policy Committee:

- spring training
- Midyear Conference
- first interim LPC will be in May or June

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**

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Questions?

