

Legislative Policy Committee

September 16, 2024



AGENDA:

- PAPEA
- Latest on Amendment D
- Homelessness Update
- Data and Research Update
 - Justice Courts Survey Results
 - Upcoming surveys
 - Alcohol proximity
- LUTF
- CHA
- City Hall Pictures

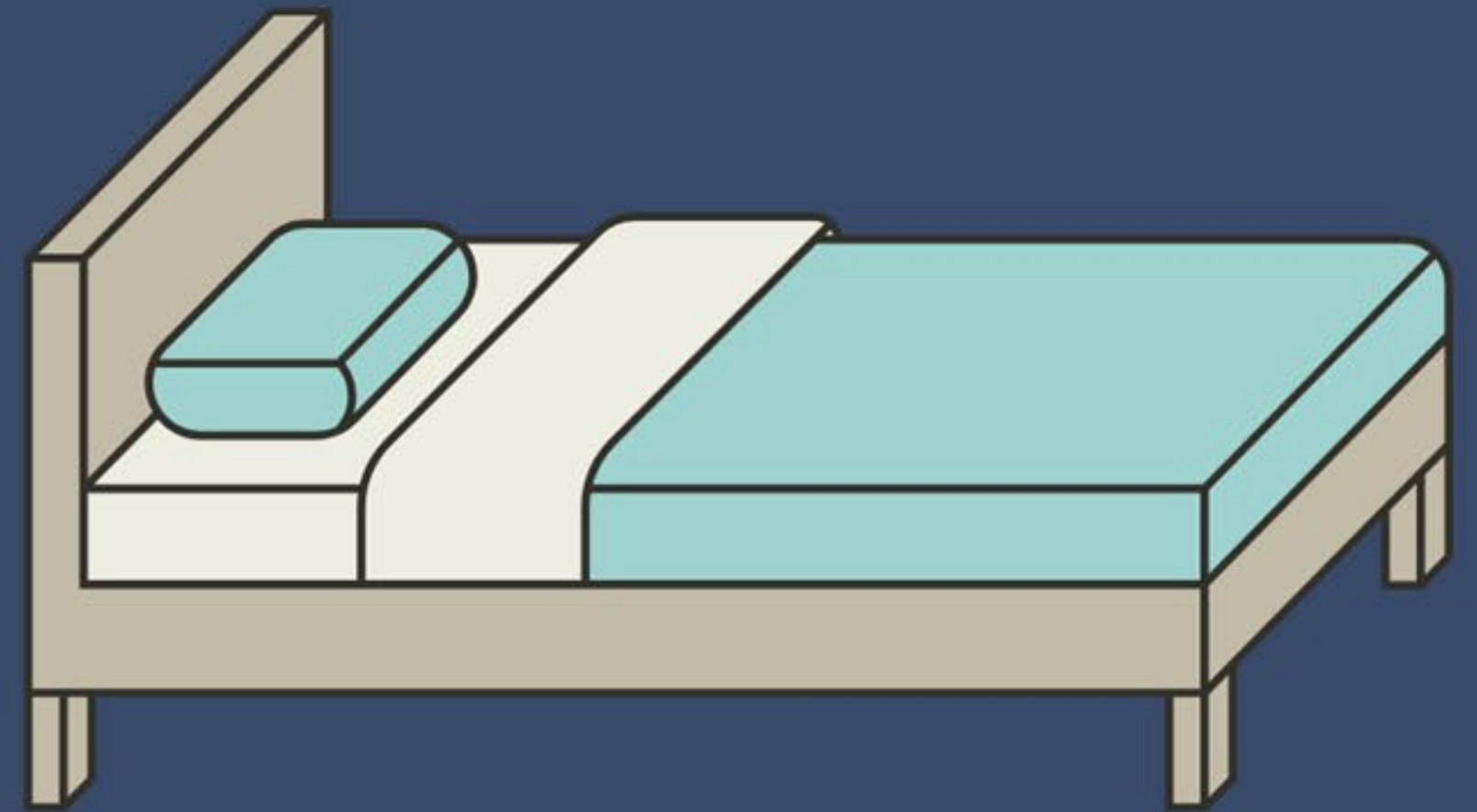
REMINDERS:

- CHA Qualtrics Survey (LPC follow up email)

UPCOMING MEETINGS:

- Cybersecurity Webinar **Oct. 2nd**

Homelessness



Utah State Homeless Board (USHB)

Municipal Representatives: SLC Mayor Erin Mendenhall and Midvale Mayor Marcus Stevenson

- Several members of the board are relatively new in this policy space and have a limited understanding of
 1. What role cities play in the homelessness system (public safety and land use)
 2. What cities have done so far to contribute to the statewide response (mitigation fund, winter plans, hosting facilities, permit affordable/transitional housing, etc.)
- Considering scattered sites vs. central campus model
 1. Both will have varying levels of impact on municipalities across the region
- Most recent board meeting included questions about why cities and counties were not doing (and paying) more for the system
- Allocated tentative funding for the 2024/2025 Winter Response Plans
 1. Working to get to compliance



Research & Surveys



Justice Courts Survey

Results

Justice Court Reform Task Force

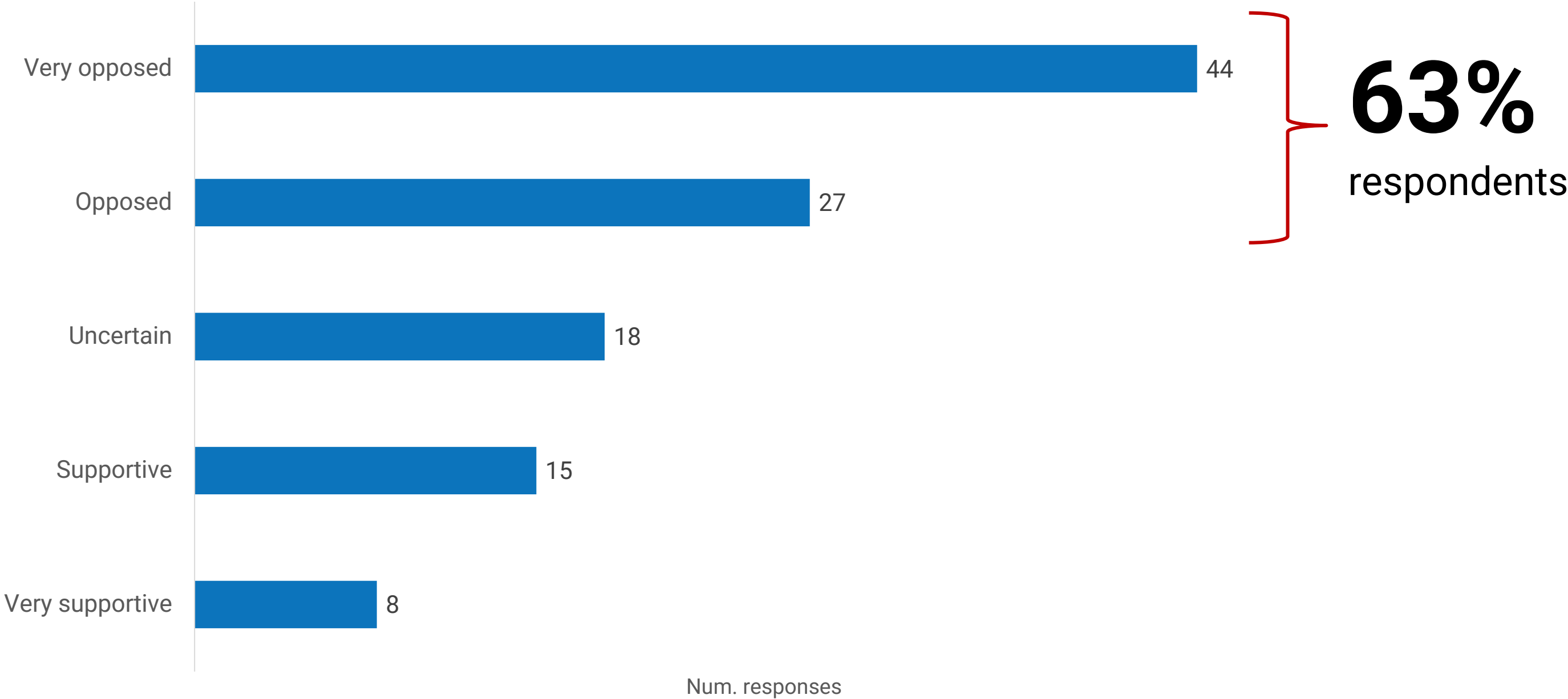
- 112 Total Responses
 - 80 Municipal responses (71.4%)
 - 32 County responses (28.6%)

91% of respondents indicated that their entity currently operates a justice court

Justice Court Takeaways Cont'd

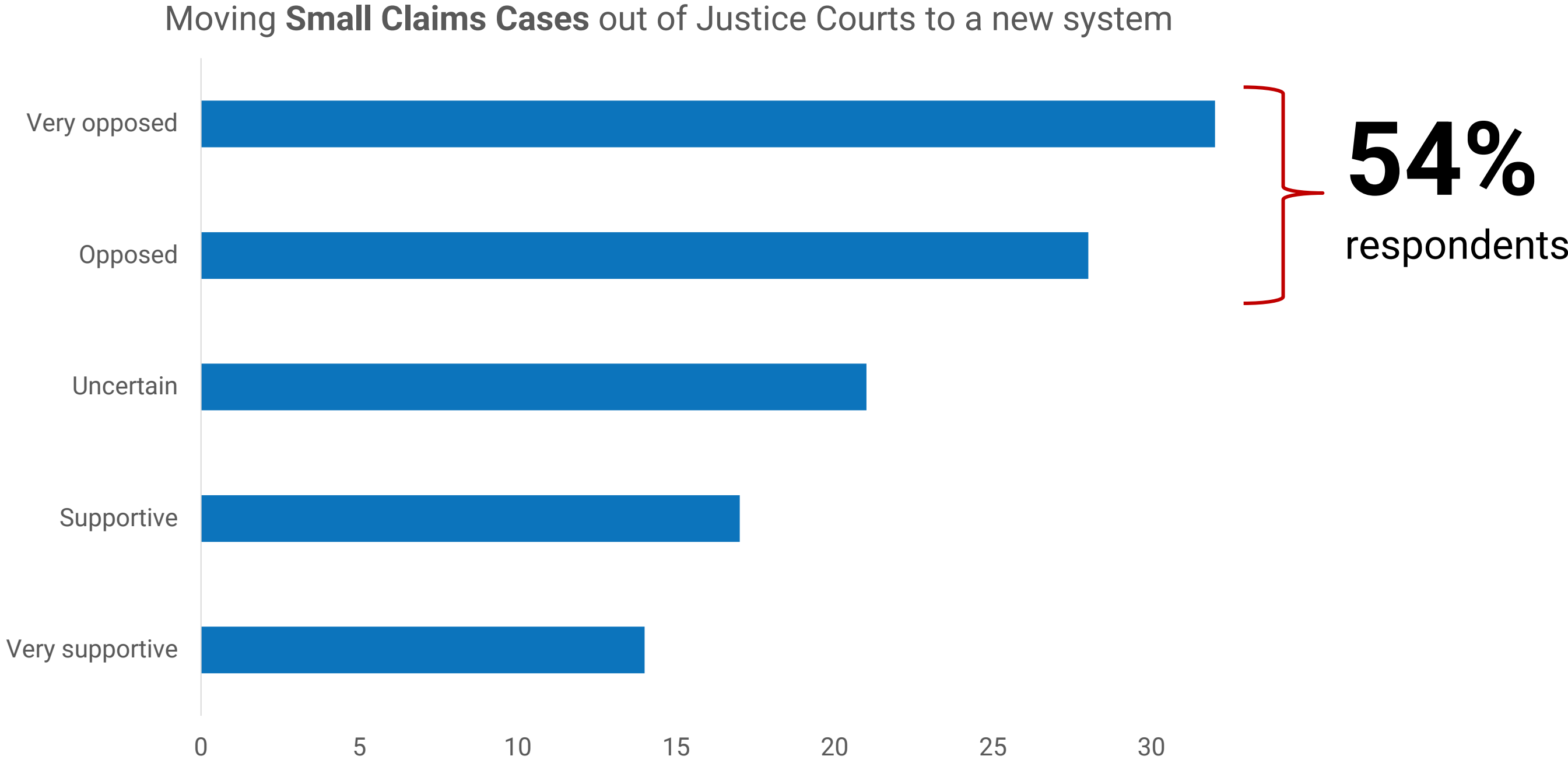
*Most respondents oppose moving **Class B & C Misdemeanors** to new system*

Moving **Class B and C Misdemeanors (Non-Infractions)** out of Justice Courts to a new system



Justice Court Takeaways Cont'd

*Majority respondents oppose moving **Small Claims** cases to new system*



Justice Court Takeaways Cont'd

Majority respondents oppose moving **Small Claims** cases to new system

Interest in Structural Justice Court Changes

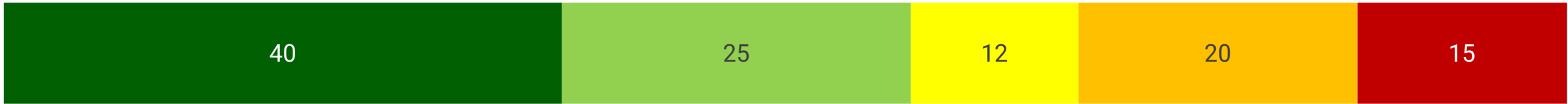
Interest in closing respondents' respective Justice Courts, regardless of possible reforms



Interest in Justice Courts remaining "as is" but with some consolidation (reducing and combining) in certain areas



Keeping Justice Courts the way they are now



0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

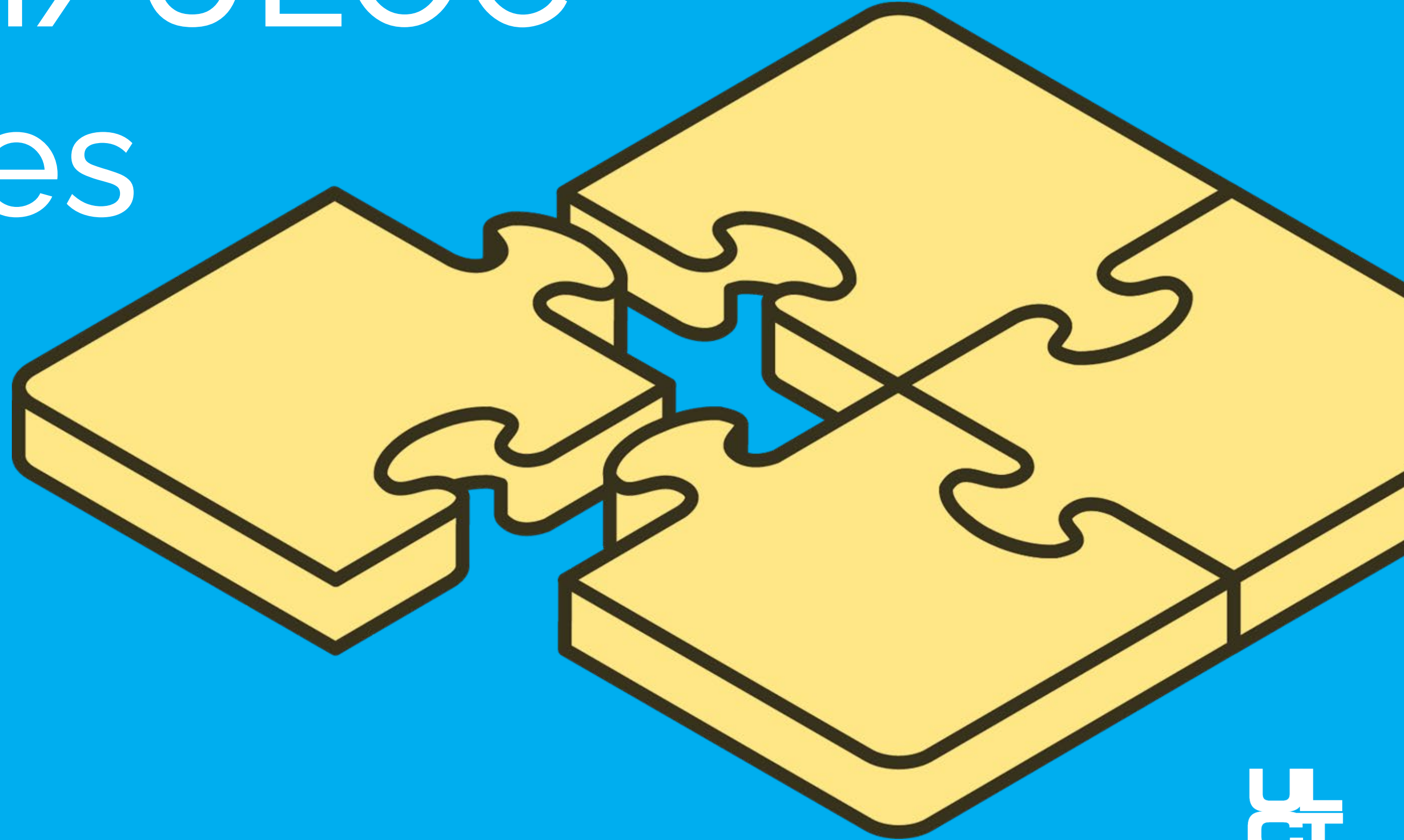
Very interested Interested Uncertain Uninterested Very uninterested

Alcohol Proximity Asks

ongoing request

- **Status quo 32B-1-202:** proximity requirements for alcohol licensees (e.g. restaurants, outlets) and community locations
- Community locations: churches, libraries, parks, playgrounds, schools
- No restaurant with an alcohol license can be within 300 feet (as measured by ordinary travel) or 200 feet (as measured in a straight line) of a community location
- Question for LPC: have state alcohol proximity requirements impacted your city's ability to have restaurants in centers?
- Notify ULCT staff asap with maps, pictures, or examples

Interim/UEOC Updates



Land Use Task Force



LUTF – Cleanup/Clarification?

Plan review and start of shot clock

Status quo: Utah Code 10-6-160(3):

(a) A city shall complete a plan review of a construction project for a one to two family dwelling or townhome by no later than 14 business days after the day on which the applicant submits a complete building permit application to the city.

(b) A city shall complete a plan review of a construction project for a residential structure built under the International Building Code, not including a lodging establishment, by no later than 21 business days after the day on which the applicant submits a complete building permit application to the city.

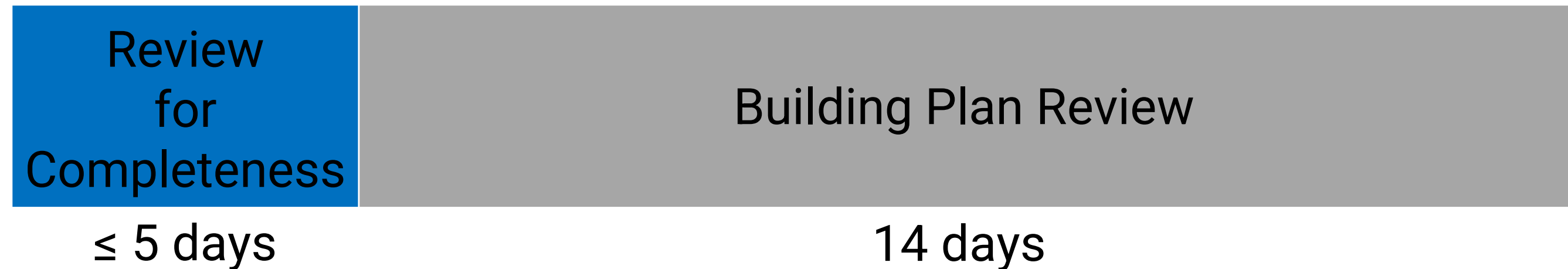
LUTF – Problem #1

“Complete Building Permit Application”

Technically Allowed Under Current Code



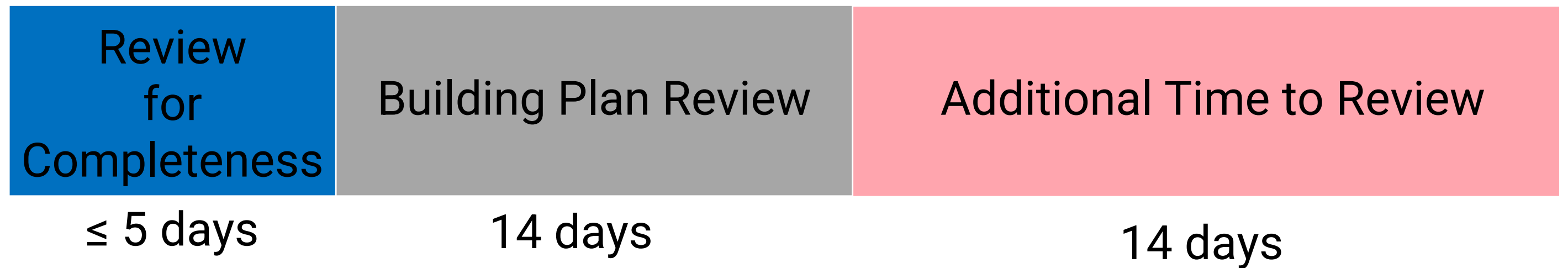
Clarification/Cleanup



LUTF – Problem #1

“Complete Building Permit Application”

Timeline for Incomplete Application



LUTF – Cleanup/Clarification #1

Potential approach: clarify that an application is complete when all the documents under Subsection (8) have been submitted. Check for completion has to be done within 5 business days or less.

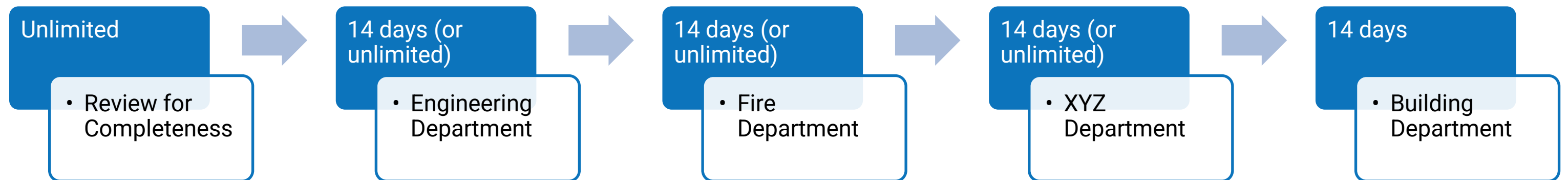
Utah Code 10-6-160(8):

- a) Name, address, and contact information of the applicant and CM/GC (not subcontractors)
- b) Site plan for the construction project
- c) Construction plans and drawings
- d) Documentation of energy code compliance
- e) Structural calculations
- f) Geotechnical report (if required by the city)
- g) A statement indicating that actual construction will comply with applicable local ordinances and building codes.

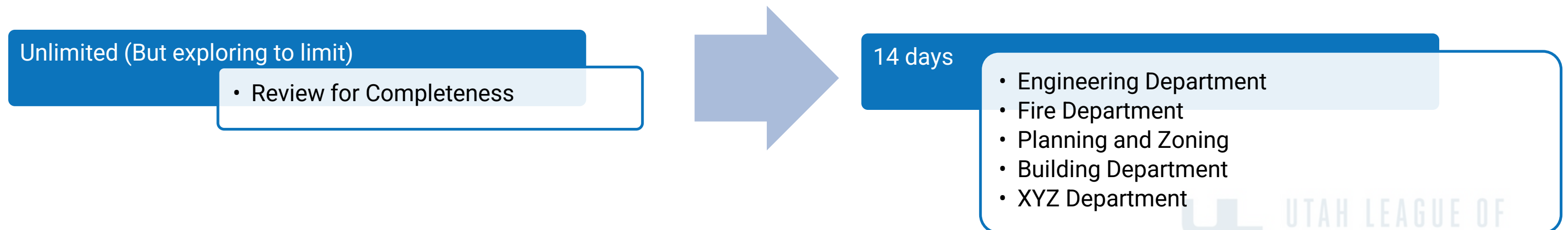
LUTF – Cleanup/Clarification #2

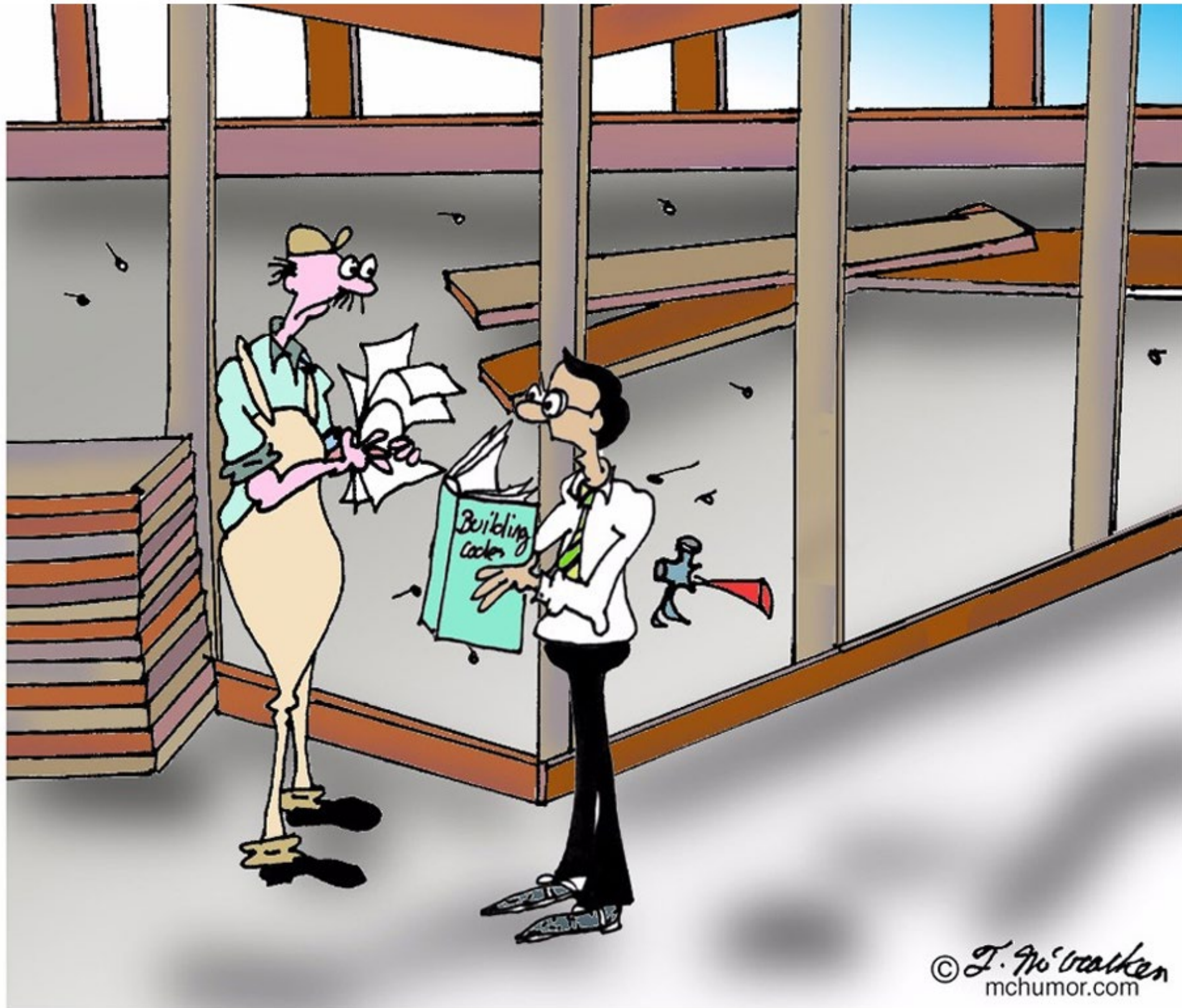
“Plan Review”

Some Cities’ Interpretation: The 14 day (or 21 day) shot clock only applies to the building department for a “planning review”.



Potential clarification: The 14 day (or 21 day) shot clock applies to the entire process to go through each of the departments. Not a successive 14 days, but all necessary reviews are done within 14 days after a complete building permit application is complete.





LUTF – OPLR Report

“Problem: Variability in code enforcement creates uncertainty for builders; can increase time and cost”

“I DO NOT CHANGE THE BUILDING CODES EVERY WEEK,
I DO IT EVERY OTHER WEEK.”

LUTF – Building Inspections & Licensing

OPLR Report

Finding: Building inspector timeliness is not a major constraint, but variability in enforcement may be

100%

of cities surveyed by the ULCT have an average inspection time of less than three days.¹

*Despite a perceived workforce shortage, most inspections are **done on time**. However, this may mean inspectors are doing **more inspections in a day** than is ideal.*

Utah homebuilders experience²:

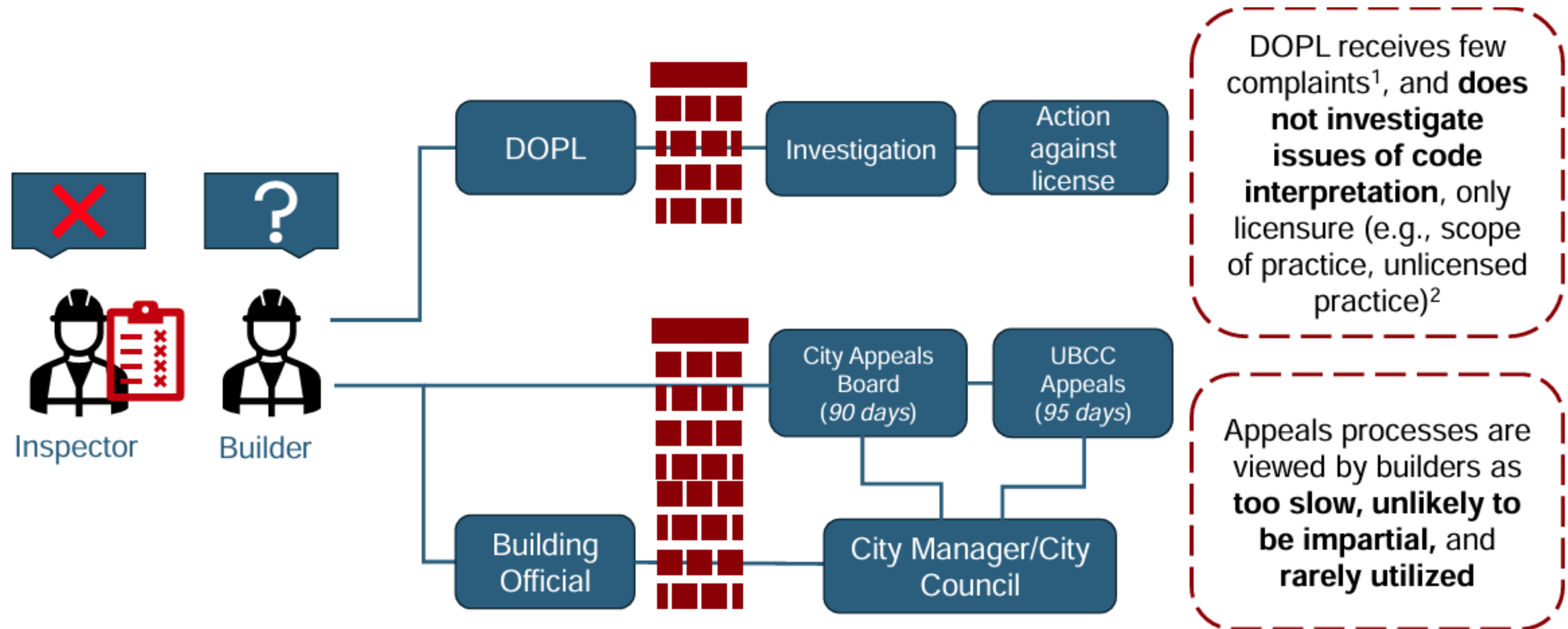
- ***Frustrations with the entire process*** from land entitlement, plan review, permit, inspections, to the certificate of occupancy
- Variability in code enforcement between both ***cities*** and ***individual inspectors***
- Lack of a ***process to appeal*** code enforcement decisions that is quick enough to be worth pursuing



LUTF – Building Inspections & Licensing

OPLR Report

Finding: Utah needs better mechanisms to improve accountability and reduce variation in enforcement



LUTF – Building Inspections & Licensing

Proposal

Finding: Utah needs better mechanisms to improve accountability and reduce variation in enforcement

Proposal: Dispute Resolution

- Cities and HBA to create pool of approved local government inspectors
- Builders may challenge building plan or inspection decision by engaging three inspectors from pool (2 picked by builders; 1 picked by the city)
- Engagement would be done by conference call or video (if onsite is required)
- Decision made by three building inspectors from list of approved inspectors
- Standard is “arbitrary, capricious”
- Timing of decision is less than 3 days
- Decision is binding
- Pay a fee to challenge the building officials action – skin in game

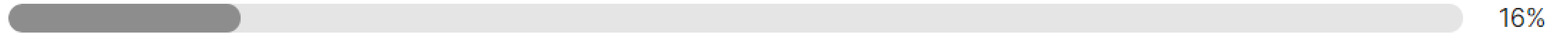
Bonding

UMAA survey results at Annual

Note: this was the only Q that didn't have a majority of "uncomfortable" responses

How comfortable would you be with the following proposal: Surety bonds are allowed so long as a certain percentage of the development is affordable, owner-occupied, deed restricted housing?

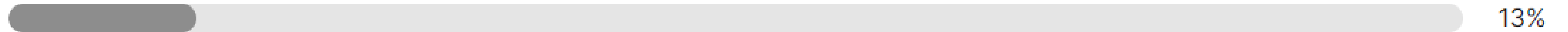
Very comfortable



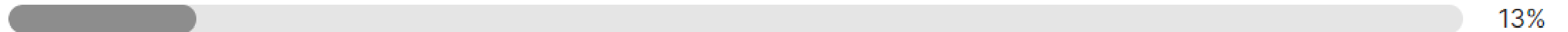
Somewhat comfortable



Somewhat uncomfortable



Very uncomfortable



Bonding Potential proposal

Developer-builder may use surety bond for public improvements **if:**

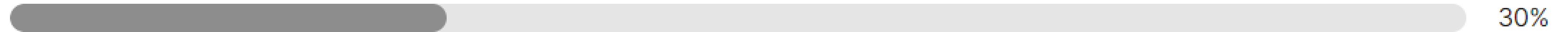
- The developer-builder commits, in writing, to offer for sale no fewer than 60% of the total units within the project will be sold for less than or equal to 450k.
 - This would tie into HB 572 from the 2024 session
- Deed-restricted, owner-occupied for at least X years
- Owner must occupy the home within 60 days of purchasing the property

Bonding

UMAA survey results at Annual

How comfortable would you be with the following proposal: Financial assurances (cash, escrow, credit, bond) could be released when each portion of a functional system (stormwater, sewer, streets, etc.) was completed and approved in a specific phase of the development.

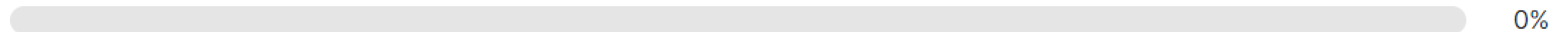
Very comfortable



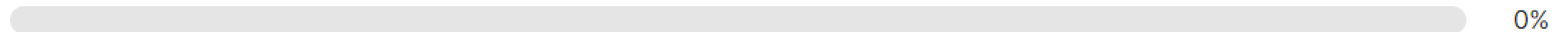
Somewhat comfortable



Somewhat uncomfortable



Very uncomfortable



Recent headlines

Utah builds more new homes than any other state in the nation

by Jake Taylor, KUTV | Thu, September 5th 2024 at 6:54 PM

Updated Fri, September 6th 2024 at 7:06 AM

Utah's housing market faces construction labor shortage

by Jim Spiewak, KUTV | Mon, September 9th 2024 at 10:21 PM

Updated Tue, September 10th 2024 at 3:03 PM

Housing is the main inflation problem



Courtenay Brown

AXIOS

Local Land Use in the National Spotlight

Harris and Trump walk a supply-demand tightrope on housing

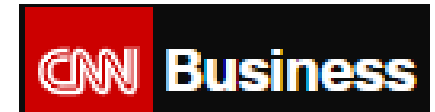
The practicalities of bringing down costs leave both campaigns navigating political minefields – like zoning rules and property values – to sell voters on ways to ease the home shortage.



Is America's housing crisis determining how you vote this November?

By Bryan Mena, CNN

🕒 2 minute read · Published 4:16 PM EDT, Thu September 12, 2024



Trump, Harris agree: Construction regulations need work

by: [Cora Neas](#)

Posted: Sep 11, 2024 / 04:59 PM CDT

Updated: Sep 12, 2024 / 12:29 PM CDT



Who's Responsible for the Housing Crisis?

How local governments broke America's housing markets

By Jerusalem Demsas

The Atlantic



Big ticket items coming on housing beyond CHA

1) **Utah State Housing plan coming by January** *Steve Waldrip*

- Goals
- Metrics
- Needs

2) **Multiple legislators looking at bills**

- Economic dev: ADUs
- Political subs: housing audit
- Rep. Bennion: investors
- Rep. Walter: short-term rentals
- Rep. Ward: small lots

3) **"Land capacity" study coming soon** *Envision Utah for GOEO*

- Infrastructure
- Market demands
- Water
- Zoning

CHA Subgroup 2 Proposals

Proposal: MIHP "safe harbor" and prioritization of best practices

Frustration from state:

- What do the MIHP reports tell us about what is actually happening?
- State audit recommended more incentives and penalties
- State Housing Plan coming and want to build on MIHP

Frustration from cities:

- MIHP menu items are silent about ownership
- What does ongoing implementation mean?
- What is compliance?
- Burdensome reporting
- Are all cities doing their part?
- Have significant incentives and penalties already, some of which haven't been used yet

CHA Subgroup 2 Proposals

Slido results in recent weeks

78%

of **LPC/CHA advisory group** were very or somewhat likely to adopt more objective MIHP actions that guaranteed compliance


5%



of **Annual attendees** said they don't allow at least one of the following types:

- Townhomes/single family attached,
- Duplexes/triplexes/missing middle, or
- Single-family units at 6 units to acre

CHA 2: parking/garages/overlay

Slido results so far

 Would your city be willing to adopt an overlay in part of your city that gives more incentives (density bonuses, setback reductions, etc.) to builders in exchange for guaranteed affordable owner-occupied housing?

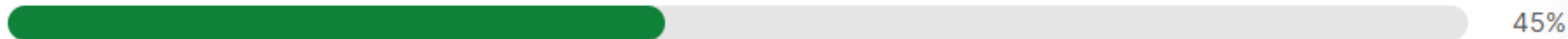
 Share 

Multiple Choice Poll  253 votes  253 participants

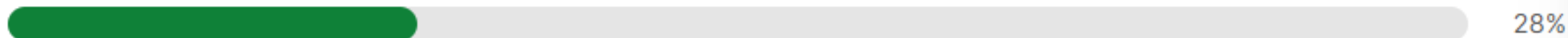
Yes, my city already has one (or something similar) - 34 votes



Yes, details matter, my city is supportive of the concept - 115 votes



Unsure - 70 votes



No, my city is not supportive of the concept - 34 votes



80%

of Board said if you require a garage, then count it in parking req't

85%

of LPC advisory willing to reduce garage req't **IF** deed restricted for ownership

70%

of LPC advisory willing to reduce garage req't **IF** deed restricted for affordability

CHA 2

Proposal: MIHP "safe harbor" and prioritization of best practices for some MIHP strategies

Existing MIHP language:

"create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones"

City 1: "Planning Commissioner presented on detached ADUs ... doing citizen survey"

City 2: passed ordinance to allow detached ADUs in these areas

- Both in compliance

Safe harbor concept: trade some flexibility for objectivity, best practices

Example 1: *"allow for detached accessory dwelling units that can be sold"*

Example 2: *"allow for detached accessory dwelling units in residential zones on X% of lots that are 10,000 square feet or larger subject to local setbacks, parking, etc."*

Pass the ordinance = in compliance

CHA super menu items

Proposal: weighted or required strategy focused on ownership

May satisfy the MIHP req't through:


1. Adopt or propose an HTRZ
2. Adopt or propose a FHIZ
3. Adopt or propose a HOPZ
4. Approve a project that receives HB 572 funding
5. Owner-occupied ADU or owner-occupied 2nd unit
6. Multi-family "condo" incentives
 1. Y density for rentals
 2. Yx2 density for condos
7. Qualifying overlay
 1. SLC, Moab, Springdale, Spanish Fork, Park City
8. TBD: how to count existing units or other action for ownership?



"Qualifying overlay" could:

- require some units to be (combo):
 - Affordable
 - owner-occupied
 - workforce
- regulate some architectural design
 - No repetitive structures on same street
 - Distinct designs and features
 - Warranty for siding
- Continue requiring landscaping
- **In exchange**, city provides (combo of):
 - Density bonuses
 - Twin-homes, duplexes, triplexes
 - Expedited review
 - Reduced parking req'ts

CHA 2: parking/garages/overlay

Slido results so far

 Would your city be willing to adopt an overlay in part of your city that gives more incentives (density bonuses, setback reductions, etc.) to builders in exchange for guaranteed affordable owner-occupied housing?

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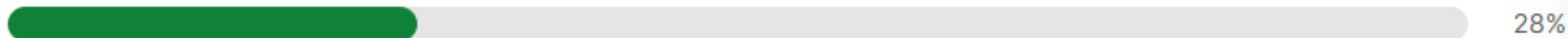
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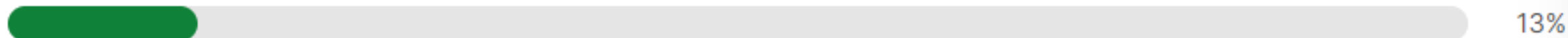
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CHA 2; modified ULCT proposal from Aug LPC

Parking/garages

Problems that the PRC has highlighted on parking/garages:

- Want consistency in counting; same house & plan could be 4 spots in City A and only 2 spot in City B because City B doesn't count the driveway
- Some cities require larger garages
- Garages add to the price (and value) of the house

PRC acknowledgements based on ULCT pushback:

- parking/garages impact livability, planning, and quality of life
- parking/garages need to be sufficiently sized to accommodate cars

ULCT research (variety of regs):

- City A: 2 garage spots for all SF-D
- City B: garage spots based on number of bedrooms
- City C: requires garages of 24 x 22
- City D: requires external or internal parking spot of 9 x 18

CHA 2; modified ULCT proposal from Aug LPC

Parking/garages

- 1) City may not require a garage or carport on a single-family detached unit that is affordable and owner-occupied (HB 572 definitions)
 - City may still require on-site parking
- 2) If a city requires a garage and the garage is structurally unobstructed, then the garage should fully count toward the parking minimum
- 3) Define the size of parking spaces in single-family and townhomes
 - Covered
 - Exterior
- 4) Tandem parking counts as 2 spots so long as the housing unit is affordable and owner-occupied, AND spots are unobstructed, AND no IADUs, ADUs, STRs

CHA 1

Legacy city survey results

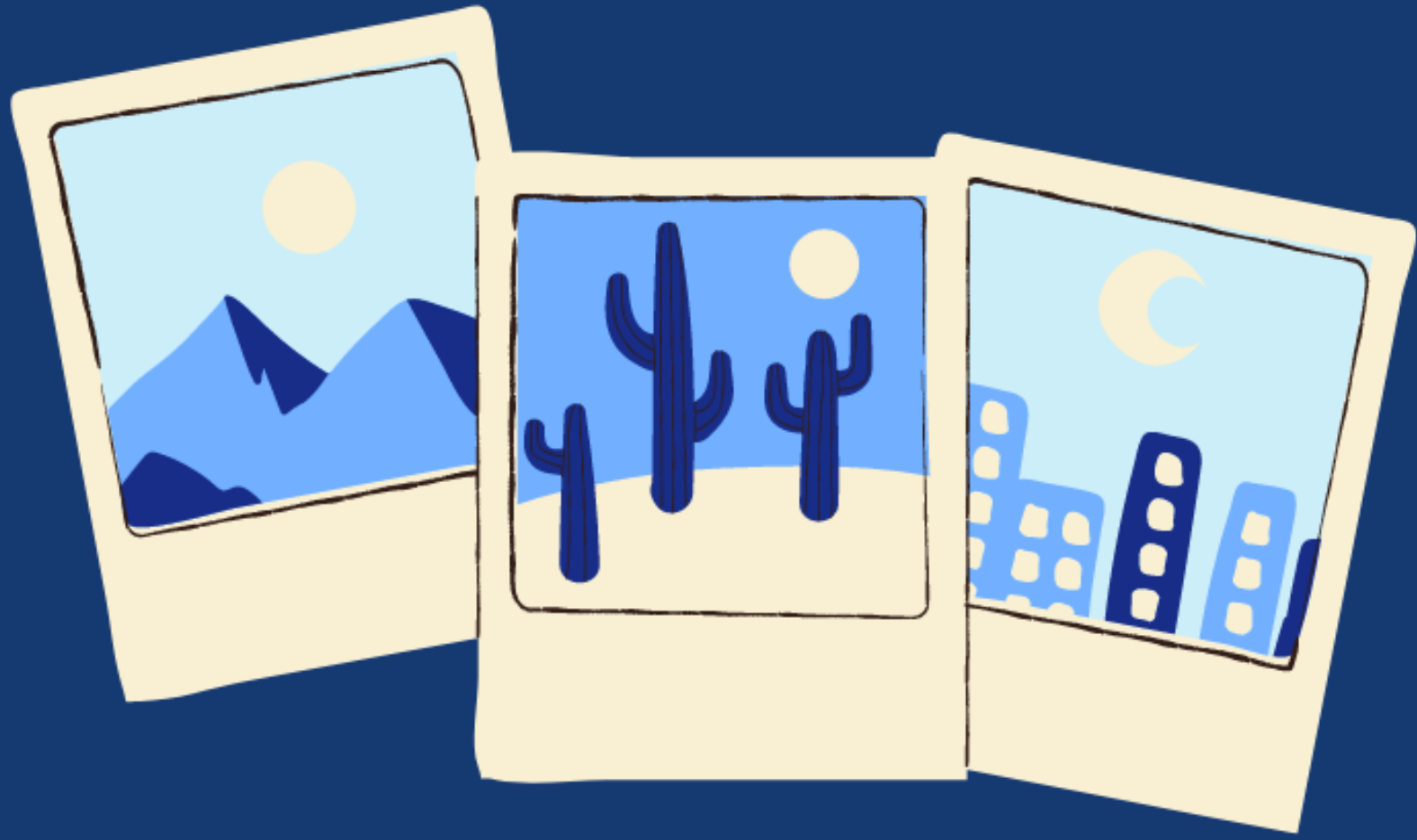
CHA group 1 looking at **use of public land, removing barriers to condos, short-term rentals, and incentivizing home ownership**

Slido results at Annual: *almost 100 ULCT members voted to prioritize:*

- 1) First-time home buyers assistance for existing units
 - Gov. Cox at Annual
 - Positive dialogue last week at CHA
- 2) Revolving loan fund of state matching funds to buy rental units and convert them to owned units
- 3) Modify property tax deduction
 - Major change would require a constitutional amendment

Short-term rentals

- 1) Gardner Policy Institute data coming soon!
- 2) Knotwell language
- 3) "Vacancy tax"



**Submit your city
photos for our
new website!**



Contact ULCT

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