



# Legislative Policy Committee

February 8, 2021

# Agenda

Minutes

Legislative Outreach and  
Outlook

Legislation

- Land Use

- Public Safety

- Revenues

- Other

- Bills from LPC members

Ratify staff recommendations



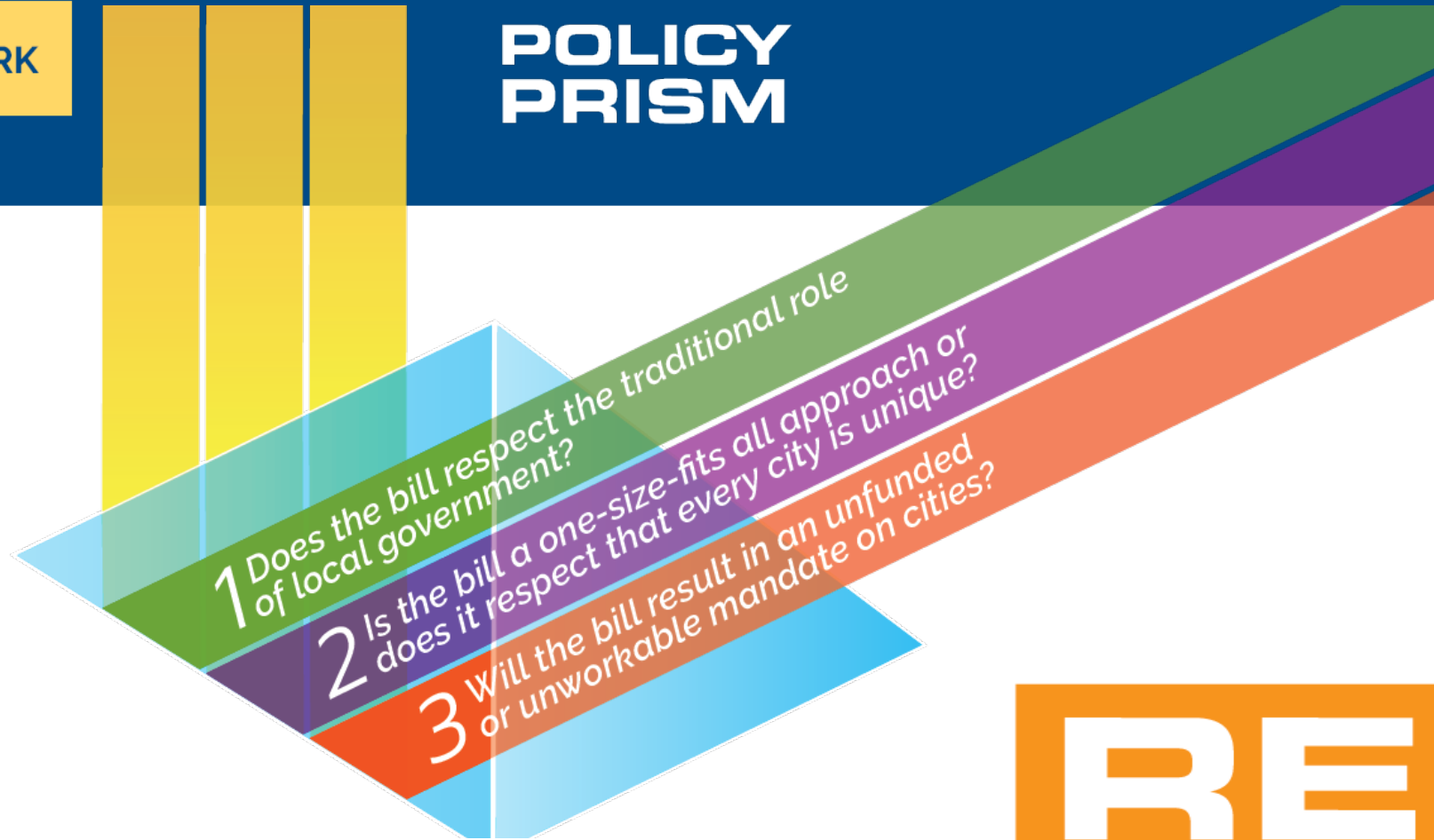


# Legislative Outreach and Outlook

Half Way!

#CITIESWORK

# POLICY PRISM

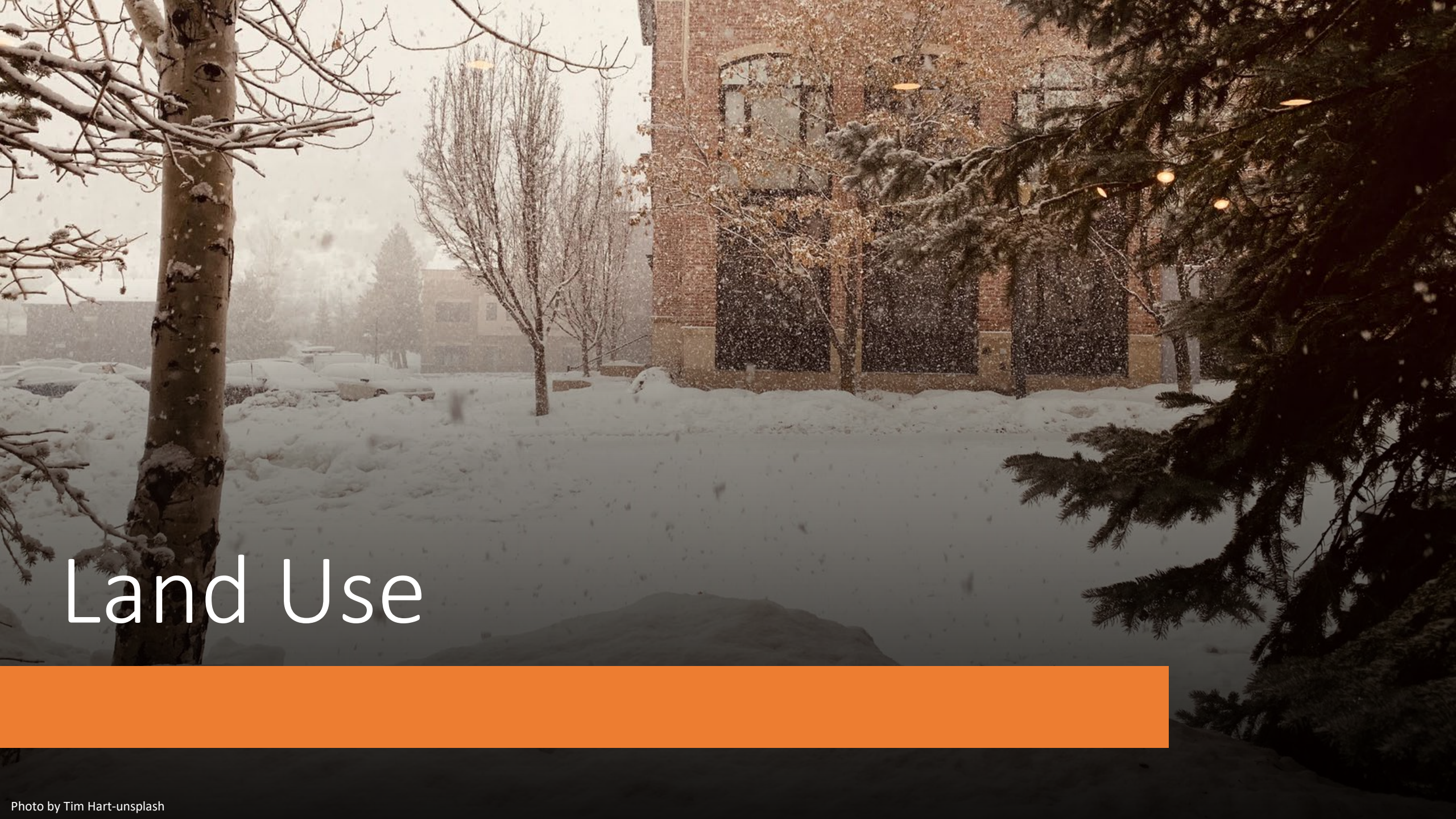


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# Land Use





# SB 61 Outdoor Advertising Amend. (Sen. Sandall)

1. **Prohibits a municipality from enacting or enforcing an ordinance that prevents conforming and non-conforming signs from upgrading to an electronic/mechanical changeable sign.**
2. City may not require a sign owner who converts a sign to forfeit another sign.
3. Allows a city to set a curfew only if sign:
  - Is located outside an area governed by the Highway Beautification Act of 1965 or the Utah-Federal Agreement; and
  - Face is within 150 feet of the outer edge of an existing residential dwelling, legally occupied, and located on property zoned exclusively residential
4. Requires a municipality to pay attorney fees to owner who successfully enforces right to upgrade sign to electronic/mechanical changeable sign.
5. Amends provisions related to brightness of electronic/mechanical changeable sign
  - Repeals minimum spacing criteria for signs located on nonlimited access primary highways in commercial, industrial, or H-1 zone areas.
  - Illumination of electronic changeable message signs may not be limited except to prevent increasing ambient lighting levels by more than 0.3 footcandles.
  - If a municipality adopts an illumination standard different than the above for other signs, an electronic changeable message sign may illuminate to the bright of the two standards.

# SB 144 Billboard Restrictions Amendments

Sen. Hinkins

- Municipality may not directly or indirectly prevent a person from building/maintaining a BB by incentivizing, compensating, encouraging a developer to discontinue, terminate, limit or not renew a BB owner's right to erect and maintain a BB or refuse to enter into a future relationship with a BB owner.
- Municipality may not, as a condition of a permit to build or maintain a BB, require landowner or developer to take an action unrelated to the BB.
- Municipality, in a land conveyance, may not restrict the purchaser's ability to place a BB on real property.
- Municipality that violates the above is liable for the greater of actual damages or \$350,000 and attorney fees.
- Municipality may not require a BB owner to get a permit for maintenance (unless structural engineering) or replace a digital or static face.
- Municipality may not prevent a BB from rebuilding, repairing if BB is damaged by casualty, act of God, or vandalism.
- Municipality may not require an applicant for BB permit to attest to the applicant's right to place and maintain a BB on the property.
- A municipal BB building permit or BB bank credit that expires during March 15, 2020-June 30, 2021 is extended to December 31, 2022.
- A government entity that changes a rule, code, ordinance or policy that affects a BB shall provide the permit holder written notice and input opportunity before the government entity considers the change at a public meeting and notice of public meetings.
- Under Utah Outdoor Advertising Act, a governmental entity may not prevent interference with maintenance of existing sign unless the entity condemns the sign.

**Staff recommendation: Oppose**

# Talk to your SENATOR AND REPORT BACK!

1. SB 61 is a one-size-fits-all approach--billboards are located in residential and commercial areas and at different heights and sizes.
2. SB 61 gives billboard companies a unilateral right to convert *every* billboard, no matter its location or impact on nearby property owners, to digital.
3. SB 61 makes it very difficult to regulate lighting intensity or impose a lighting curfew regardless of the impact on the neighbors.
4. SB 144 interferes with a private property owner's right if the property owner wishes to negotiate with a municipality.
5. SB 144 ties the hands of municipalities when negotiating with BB companies on land use issues.



# Objectives on housing policy

## House leadership, business groups:

- 1) Increase supply (i.e. # of internal ADUs)
- 2) Minimum standards across cities
- 3) Reduce “unnecessary” city regulations/fees
- 4) Recourse for property owners dealing with “bad actor cities”
- 5) Invest state \$ in infrastructure (i.e. transportation, transit, broadband, outdoor rec) & economic development that impacts housing

## ULCT: (per 2018 resolution & LPC votes)

- 1) Increase housing supply, but cities have no keys over market forces
- 2) Preserve local legislative authority to plan your community
- 3) Preserve local regulation for the health, safety, & welfare of your residents
- 4) Preserve local revenues that fund services & infrastructure
- 5) Partner with state on infrastructure & planning (see joint letter)

# Media spotlight: Public welfare and inspections



NEWS > FOX 13 INVESTIGATES



## FOX 13 Investigates: Newly-constructed home buyers find Utah gives them few options

Florida House passes bill that could stop cities from requiring affordable housing

BY ELIZABETH KOH, RENE RODRIGUEZ, AND JOE ELECHAS  
APRIL 27, 2019 9:30 AM, UPDATED APRIL 29, 2019 07:45 AM



### Story Idea or Tips

If you have a story idea or tip for the FOX 13 Investigative unit, please share it with us below:

First Name

Last Name

# HB 98 Local Government Building Regulation Amendments Rep. Ray

## Plan Review and Inspections

- All Residential and Commercial
- Total Preemption of Plan review and Building Inspection
- All buildings, both residential and commercial

## Design Standards

- Preemption on almost all standards
- Only exceptions for:
  - FEMA
  - National Flood Insurance
  - Buildings on National Historic Register



# HB 98 NEGOTIATIONS

- Plan Review and Inspections
  - Only applies to single family, duplex or townhouse
  - Plan Review 14 days – building permit must be issued
  - Inspection within 3 days or builder can hire their own

# HB 98 NEGOTIATIONS

## Design Standards

- Expands exemptions for:
  - FEMA
  - National Flood Insurance
  - Historic Buildings (local, state and federal)
  - Wildland Urban Interface
  - Development Agreement
  - PRUDS and other types of overlay zones
  - Pre 1940 neighborhoods

**LPC Position original bill: Oppose**

# SB 164 UT Housing Affordability Amendments (Commission on Housing Affordability meeting right now)

MIAMI-DADE COUNTY

## Florida House passes bill that could stop cities from requiring affordable housing

BY ELIZABETH KOH, RENE RODRIGUEZ, AND JOEY FLECHAS

APRIL 27, 2019 06:30 AM, UPDATED APRIL 29, 2019 07:45 AM



Unless lawmakers, homebuilders and cities find ways to quickly increase the housing stock — and removing barriers to in-home rentals is a great start — it can only get worse.





# SB 164 UT Housing Affordability Amendments

## Positive components:

- Pilot Program for workforce employees
- Rental assistance and mediation for landlord/tenants
- Predevelopment grants for rural communities
- Limited gap funding for eviction proceedings

## TBD components:

- *Ability for cities to grant real property for affordable housing*
  - *Deed restriction %, waiver of prop., needs clarifying*
- *Economic dev req't to plan for housing*
- *SB 34 menu items from 3 to 4 and 4 to 5 (transit)*
- RDA expansion of set-aside to “support” housing
- Public asset inventory (not yet in bill)

## Concerning components:

### 1) *Inclusionary zoning/housing fund*

- *City has to cover all of the developer's costs*
- *Property Rights Ombudsman decision*

### 2) Fees

- New standard from “reasonable” to “estimated actual” for
  - Culinary/secondary water hookup, land use applications, inspection/review
- Collection process
  - Require cities to collect fee revenue into separate ledgers for each type of building and development fee and report the year, project, & schedule for expenditure to the state auditor
- Key takeaway: huge expense to city with NO link to housing affordability

# Both Ward's & Dunnigan's would allow owner occupied internal ADUs in **ALL SF zones**, but:

## Ward 1<sup>st</sup> sub

### City may not regulate:

- size of an internal ADU
- Frontage
- Size of lot
- One internal ADU within footprint of home
- City may require 1 additional parking spot

## Dunnigan 2<sup>nd</sup> sub

### A municipality may:

- Require that internal ADU be designed to not change dwelling appearance as SF dwelling
- Limit the number of internal ADU to no more than one w/in dwelling
- Require internal ADU entrances to be located on the side or rear
- Limit an internal ADU to no more than two bedrooms
- Prohibit the assignment of a separate mailing address to the internal ADU
- Require one additional on-site parking spot
- Prohibit an internal ADU in a manufactured home
- Require the primary dwelling owner to obtain rental license

# ULCT negotiators

- Ogden Mayor and ULCT President Mike Caldwell
  - College town, historic districts, redevelopment, large city caucus
- Bountiful Council Member Kate Bradshaw
  - Established midsize city caucus
- Draper Mayor Troy Walker
  - Rapid growth caucus
- Provo Council Member Shannon Ellsworth
  - College town, historic districts, redevelopment, large city caucus; rural planner
- Moab Mayor Emily Niehaus
  - Rural hub/gateway caucus; housing developer
- ULCT Officers
- ULCT senior staff and senior staff from Taylorsville & St. George
- **Staff recommendation: authorize negotiating team to try to meet objectives**



# ULCT 3 and Rep. Ward's reply

## ULCT 3

### 1) Zoning (only applies to SB 34 cities)

- At least 50% of residential zones
- At least 25% of residential zones for college towns & low-income cities (WVC, SSL intent but definition is complicated)
- If you don't act by Oct. 1, then 100% of zones

### 2) Standards

- City may require ADU in detached house only, inspection, license, permit, 30+ day lease, 1 off-site parking, appearance of house to be unaltered, limit to 1 ADU per site, no separate meter, preclude mobile homes, egress of windows, building & fire code compliance
- City may deny ADU for lots under 6,000 sq ft or if infrastructure is at 75% capacity
- City may not regulate % of house, # of rooms

### 3) Enforcement

- Property tax lien
- Short-term rentals

## Response from Rep. Ward/House leadership

- Zoning preemption in all
  - Might reconsider ½ mile “buffer” for college towns and/or narrow low income def.
- Standards (**If** ULCT changes position)
  - Willing to agree to most of our standard requests except for infrastructure sufficiency
- Enforcement (**If** ULCT changes position)
  - Willing to authorize both tools

# What's left between ULCT 3 and Rep. Ward?

## 1) Zoning

- Partial preemption v. full preemption in primarily residential areas
  - At least 50% for No-ville by Oct. 1
  - At least 25% for College-town or Low income-town by Oct. 1
  - Exemption for rural Utah

## 2) Standards

- He's willing to give on most of our requests except:
  - Ability for city to deny a license/permit due to insufficient water/sewer infrastructure

## 3) Enforcement

- None; he's willing to grant both tools (lien, short-term rental) If ULCT drops opposition

# Next steps and politics

## The solution to Utah's housing problem is simple — but surprisingly controversial

By Jay Evensen, Columnist | Feb 2, 2021, 9:54am MST

Unless lawmakers, homebuilders and cities find ways to quickly increase the housing stock — and removing barriers to in-home rentals is a great start — it can only get worse.

- Rep. Ward expects answer **TODAY**
  - **Committee hearing at 3:40**
- House leadership: HB 82 is #1 priority
- Senate is mixed
- Governor unwilling to step in yet
- Deseret News Editorial Board
- Developers/Realtors (lobbying, PAC)
- Other housing/preemption bills
  - HB 98 (plan review/inspections/standards)
  - SB 61, SB 144 (billboards)
  - SB 164 (development fees)

## • Options

1) Neutral on Ward counter proposal as is

2) Official position of neutral on ULCT 3 with flexibility to staff/ADU group to negotiate on zoning and infrastructure


3) Try to sub bill (ULCT 3) & floor fight in House &/or Senate

- Some key legislators willing to support ULCT 3
- Political capital v. likelihood of success v. ULCT principles
- If we go this route, every city must be ALL IN (push legislators, social media, contract lobbyists, etc.)



# Potential ADU talking points

- Cities support ADUs as a key tool to address the housing shortage
  - More than 60 cities have enacted ordinances recently to allow ADUs
- One size misfits all and college towns are different from suburbs
  - Our proposal would force every city to act to allow ADUs but with some local flexibility
- We need to consider the property rights of all residents—those who want internal ADUs and those who bought homes in a neighborhood without them
  - Our proposal strikes a better balance for property owners
- Cities are concerned that if every house could have an internal ADU, the cost of housing will increase
  - Infrastructure, traffic engineering, new amenity in new homes
- Tell your story about how your city is planning for growth
  - Record # of permits, reduced fees, ADU ordinance, etc.

An American flag with 50 stars is waving on a black pole in a desert canyon. The background features tall, layered rock walls and a rocky floor. The text "Public Safety" is overlaid in white on the lower left, with an orange bar at the bottom.

# Public Safety

# SB 155 988 Mental Health Crisis Assistance

- Sen. Thatcher
- Creates the 988 Suicide Prevention and Crisis Services Account administered by the Division of Substance Abuse and Mental Health
- Account funds used for
  - Local mental health and substance abuse authorities for providing crisis services that are not subject to the 20% county match required with local substance abuse authority plans
  - Funding prioritized for
    - Statewide Mental Health Crisis Line
    - Mitigation of any negative impacts on 911 emergency service from 988 services
    - Mobile crisis outreach teams
    - Behavioral health receiving centers
    - Stabilization services
    - Mental health crisis services provided by local substance abuse authorities

# SB 155 988 Mental Health Crisis Assistance cont.

- SB 155 does not take into consideration the need to have complete coordination between 911 and 988.
- The fiscal implications of Sen. Thatcher's proposal are large.
- While we believe that it is important to be ready for the federal 988 mandate, we need to collaboratively work to involve all stakeholders including:
  - Mental health services
  - PSAPs
  - Police
  - Fire
  - Other emergency responders
  - State and local leaders
- **Staff recommendation: Oppose**

# HB 142 Cyclist Traffic Amendments

- Rep. C. Moss
- Allows a bicyclist approaching a stop sign to proceed through an intersection without stopping if the bicyclist:
  - slows to a reasonable speed; and
  - yields the right-of-way to pedestrians, other traffic, and oncoming traffic that poses an immediate hazard.
- Passed through the House

**LPC position: TBD; Staff updated recommendation: support**



# SB 81 Medical Cannabis

## SB 81: “Annual Clean-Up”

- Proceeds legislation from the previous two years regarding medical cannabis legalization. Past legislation established a timeline for the sequential implementation of several provisions. This bill delays components of that timeline and makes several technical changes.

## 26-61a-111: Nondiscrimination for medical care or government employment

- Political subdivision shall treat an employee’s use of medical cannabis....the same way the state or political subdivision treats employee use of any prescribed controlled substance.
- This requirement does not apply for employees that could jeopardize federal funding, federal security clearance, or other federal background check.

# SB 81 Medical Cannabis

## Firefighters and Public Safety

- National Fire Protection Association: Firefighter can only perform 2 of the 14-essential functions due to alterations in mental status.

## Update Exclusion to Include:

- Law Enforcement
- Firefighting
- 911 Dispatch Duties
- EMS

**Staff Recommends: Change from Neutral to Support with amended language**

# HB 283 Community & Police Relations Commission

- Rep. Wheatley; Dept. of Public Safety Commissioner Jess Anderson
- 20+ members; ULCT will have a spot
- Mission: identify best practices and recommendations about
  - police conduct, training, community relations, data collection, access to law enforcement information and investigations, systemic issues of inequality,
  - forum for citizens to voice concerns, develop policies/legislation
- Timing: progress report by Nov. 2022, recommendations by Nov. 2024
- Staff recommendation: support

# HB 150 Public Safety Post-Retirement

- Rep. Gwynn

## Current Policy:

- Requires a one-year separation from the URS system before reemployment.

## HB 150 Policy Change:

- Those in public safety and firefighter retirement programs reduces it to 60 days before reemployment

## URS: Fiscal Impact

- Assumes 6% retire early
- Potential impact of \$11 million

**Staff Recommend Position: Neutral**

# HB 303 EMS Emergency Medical Services Revisions

- Rep. Johnson
- Requires a municipality to provide an adequate level of 911 ambulance services
- Bureau of EMS to determine minimum level of service a municipality must provide
- Municipality may provide the service itself or contract with a “contiguous county, municipality, EMS special service district, private corporation, nonprofit corp., state agency or federal agency
- Allows the Department of Health to align the boundaries of an ambulance or paramedic provider’s exclusive geographic service area with the boundaries of a political subdivision in certain circumstances
- Allows a municipality to terminate a contract with a 911 ambulance services provider entered into on or after May 5, 2021 if the municipality provides notice within 18 months
- **Staff recommendation: Neutral**



# Revenue



# SB 18 3rd Sub Property Tax Exemption Amendments

- Sen. Harper
- Substitute cuts the exemption amount from \$50,000 to \$25,000.
- Reinstates an exemption cliff (once the \$25,000 amount is reached the whole exemption disappears)
- Changes reduce the property tax impact to under 20% of the original
- Sponsor and business groups agreed to leave the issue alone for several years
- School districts and counties indicated that they will no longer oppose the bill
- **LPC position original bill: Oppose**



# Other Priorities

# HB 75 1<sup>st</sup> Sub Municipal Alternative Voting Methods Pilot Project Amendments

- Rep. Stenquist
- Pilot program history: 2019-2026, ULCT supported creation of it
- Current law: cities choose by April 15, have to administer pilot on own or can contract with any other political subdivision, but counties have no duty to run the pilot election
- One pilot option: ranked choice
- If by Mon., May 10, a city council decides to use ranked choice voting for the city election, a county clerk SHALL administer the election with ranked choice voting
- Counties oppose the state mandate
- Policy question for ULCT: HB 75 empowers cities at the expense of counties ... is this a fight worth fighting?
- Passed House Committee 10-1

**Staff recommendation: support, but work with the counties to find common ground**



# HB 174 Municipal Instant Runoff Voting Amendments

- Rep. Robertson
- Two new pilot program options
  - Approval method (no ranked preference, overall score)
  - Star voting method (0-5 stars)
- City must decide by April 15 and must show that the city can administer the election
- Still in House Rules

**Staff recommendation: Support**



# Bills from LPC Members

- Open forum for members to highlight other bills to the LPC



Photo by Jason Rosewell on Unsplash

# Ratification: ULCT Recommended Positions (>60% = consensus) on public bills

- SB 61 1<sup>st</sup> Sub Outdoor Advertising Amendments: **Oppose (no change)**
- SB 144 Billboard Restrictions Amendments: **Oppose**
- HB 98 Local Government Building Regulation Amendments: **Amend (No change)**
- HB 82 Single-Family Housing Modifications 1<sup>st</sup> Sub: **Oppose** 2<sup>nd</sup> Sub: **Negotiating Team** **ULCT 3: Neutral, staff flexibility**
- SB 164 Utah Housing Affordability Amendments: **Support parts, oppose parts**
- SB 155 988 Mental Health Crisis Assistance: **Oppose**
- HB 142 Cyclist Traffic Amendments: **change to Support**
- SB 81 Medical Cannabis: **Support with amendment (Change from neutral)**
- HB 283 Community and Police Relations Commission: **Support**
- HB 150 Public Safety Post-Retirement Reemployment Amendments: **Neutral**
- HB 303 EMS Emergency Medical Services Revisions: **Neutral**
- SB 18 3rd Sub Property Tax Exemption Amendments: **Oppose (original bill)**
- HB 75 Municipal Alternative Voting Methods Pilot Project Amendments: **Support, but work with counties**
- HB 174 Municipal Instant Runoff Voting Amendments: **Support**
- **Other positions as indicated on ULCT Bill Tracker/website**

# Contact ULCT

- Cameron Diehl [cdiehl@ulct.org](mailto:cdiehl@ulct.org)
- Victoria Ashby [vashby@ulct.org](mailto:vashby@ulct.org)
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**Mark your (virtual)  
LPC Calendar**

**Session LPC: Zoom @ noon**

- **February 16 (Tues)**
- **February 22**
- **March 1**