

Legislative Policy Committee

February 18, 2025





ULCT Bill Tracker



LPC Sign-in

AGENDA:

1. Housing
2. Public Safety
3. GRAMA & Privacy
4. Homelessness
5. Gravel
6. Elections
7. Revenue & Taxes
8. Judiciary
9. Municipal Broadband
10. Billboards
11. Retirement
12. STRs
13. Ratify Bill Tracker
14. Adjourn

REMINDERS:

Housing Plan survey: Mar 19
Federal priorities: coming soon

UPCOMING MEETINGS:

- **LPC - Feb 24**
- **LPC - Mar 3**
- **Spring Training - Mar 19**
- **Spring Training - Mar 26**

RE
SPECT

OUT
COMES

COOL
LAB
ORATION

ULCT key messages:

1. Partnership, not preemption

*Housing: affordable home ownership,
sustainable infrastructure, quality of life*

2. The state doesn't have a surplus and neither do cities

Housing and Land Use

Utah Housing Strategic Plan

INPUT: MARCH 19

<https://gopb.utah.gov/planning-collaborative-efforts/>



What we've fought off so far....

State zoning *(policy preemption)*

ADUs by right (CHA, HB 88); small lots by right (CHA, HB 90); HB 90, housing by right in commercial areas (HB 90); statewide upzoning (“+1”); state housing overlay; state land use appeals authority; state standards on residential setbacks; state standards on minimum floor area ratios; state standards for parking minimums/maximums; can't require garages anytime (SB 152, SB 181 as drafted); binding general plans

Municipal revenue

Changing the 50/50 sales tax formula; Reducing impact fees; Withholding Class C funds from cities based on land use; Broad limits on development fees

Land Use Process

Eliminate plan review; privatize building inspections; shall accept surety bonds; “deemed approved” after time frames; limits on local legislative authority; rip cords; changes to vesting timing; no land use authority for boundary establishments; opro authority; bring muni power cities under the Public Safety Commission; DIDs



New Product

Financing Tools

Process Updates

State Housing Plan Groundwork

H.B. 37

H.B. 368

H.B. 58

H.B. 37

H.B. 256

Clarifies last year's financing tools:

H.B. 368

H.B. 368

H.B. 360

S.B. 23

S.B. 181

S.B. 195

S.B. 26

Legacy city?

Condo bill?

OTHER: HB 175 (missing middle), SB 197 (property tax), HB 320 (code enf.), HB 327 (HOAs), SB 125 (evictions)

Since last LPC...

HB 37 (Dunnigan, political subs)

HB 360 (Whyte, CHA)

HB 368 (Whyte, LUTF)

All passed House committee

All will be substituted on the House floor
this week



Utah House eyes a softer
approach to get cities to allow
more housing density



DRAFT LEGISLATION

HB 320 Municipal Ordinance
Amendments (L. Shepherd)



Staff Recommendation:
Support (Jan LPC slido)

If the city has imposed a civil or criminal penalty at least 3 times within last 12 months, then the city can set a fine of up to \$5,000

DRAFT LEGISLATION

SB 280 Retail Facility
Amendments (E. Vickers)



Staff Recommendation:
Support

- 1) **Definitions:** Clarifies “system improvements”
- 2) **Mixed use:** housing can be within $\frac{1}{4}$ mile of the retail facility and count toward the req’t
- 3) **Report:** city reports on retail incentive to GOEO; if GOEO does not reply within 6 months, then considered compliant

DRAFT LEGISLATION

SB 262 Housing Affordability
Modifications (Fillmore)



Staff Recommendation:
Oppose as drafted
because of gen'l plans

- Requires **general plans** to be adopted “by ordinance”
 - some in the PRC have pushed for “binding general plans” forever
- Similar **density overlay** as what was in the first version of HB 37 (deleted in HB 37 1st sub)
- **Technical clarifications** to qualifying mortgage loan, subordinate mortgage loan, and first-time home buyer program

DRAFT LEGISLATION

SB 262 Housing Affordability
Modifications (Fillmore)



Staff Recommendation:
**Oppose as drafted
because of gen'l plans**

- **Notify your Senators RIGHT NOW!**

- President Stuart Adams
- John Johnson
- Karen Kwan
- Ann Millner
- Derrin Owens
- Jerry Stevenson

Why general plans “by ordinance” is bad policy:

- 1) GPs = visionary & long-term; this would make them short-term
- 2) zoning = details of regs
- 3) lack of flexibility to adjust to changes
- 4) every city would have to redo GP & zoning; a lot of work for what policy reason?
- 5) state law requires cities to not build a street, park, or utility unless it conforms to current GP
- 6) we said NO throughout the CHA but here it is

Public Safety

SLC Public Safety Plan

The Plan

In December 2024, Salt Lake City was invited by Gov. Spencer Cox, Senate President Stuart Adams, and Speaker of the House Mike Schultz to quickly produce a plan that addresses legitimate public safety concerns and makes clear recommendations to improve the system that has, for decades, prevented Utah and our capital city from successfully resolving the humanitarian crisis of homelessness on our streets.

The plan outlines 27 actions Salt Lake City will take and 23 recommendations for external partners.

[Read the Public Safety Plan](#)

[Read the Appendix](#)

City Actions and Recommendations

These actions and recommendations by Salt Lake City and external partners were created to directly address key issues and lead to real impact.

Launch Community Impact Division

Status: Complete

[▶ More Info](#)

Deploy Violent Criminal Apprehension Team

Status: Complete

[▶ More Info](#)

SLCPD to reaffirm and reinforce priorities

Status: In progress

[▶ More Info](#)

DRAFT LEGISLATION

HB 465 Law Enforcement
Agency Amend. (C. Snider)



Staff Recommendation:
Oppose as drafted

- 1) Compels city of 1st class who receives homeless mitigation \$ to do agreement w/DPS to:**
 - i) “increase public safety”
 - ii) “ensure proper function of city police dept w/generally accepted standards”
- 2) If city does not do the agreement, then:**
 - i) state withholds gas tax \$
 - ii) state withholds homeless mitigation \$
- 3) DPS creates rapid response team to respond to “public safety event” in *any* city of the 1st class if DPS determines city did not act in timely way**
 - i) public safety event:
 - (1) illegal camping
 - (2) large-scale illegal drug distribution
 - ii) DPS shall “notify” city before acting
 - iii) Silent on other operational details

DRAFT LEGISLATION

HB 465 Law Enforcement
Agency Amend. (C. Snider)



Staff Recommendation:
Oppose as drafted

Potential alternatives:

- 1) Partnership relationship with DPS**
- 2) Eliminate withholding of funds**
- 3) DPS rapid response team as tool w/details**
 - i) chain of command
 - ii) liability
 - iii) operations

GRAMA & Privacy

DRAFT LEGISLATION

SB 277 Government Records
Management Amendments
(M. McKell)



Staff Recommendation:
Support

GOV & POLITICS

Utah lawmakers look to dissolve, replace State Records Committee. Here's why that matters

Sen. Mike McKell wants to replace the 30-year-old committee with a single decision-maker. Media coalition opposes bill, warns it will 'weaken' public records law and lead to more government secrecy

- Creates a new Government Records Office
- Replaces SRC with Director
 - Governor selects Director to 4 year term
 - In consultation with the executive director; and
 - With the advice and consent of the Senate
 - Utah attorney knowledgeable in records laws
- Removes balancing test (interests of access vs. interests favoring restriction of access)

DRAFT LEGISLATION

HB 444 Data Privacy
Amendments (J. Moss)



Staff Recommendation:
Oppose as drafted

Data Privacy Amendments

Duties:

- Designate a “Chief Administrative Officer”
- Initiate privacy program by July 1, 2025
- Training:
 - Train employees within 30 days of employment
 - Annually
- Reporting:
 - By September 1, 2025, privacy policies and practices; level of compliance; etc.
- Contractors:
 - Contract after May 1, 2024 should have privacy training and include privacy provisions as part of the bill
- Noticing:
 - Website and other notices

Homelessness

DRAFT LEGISLATION

HB 505 Homeless Services
Revisions (S. Eliason)

1 of 4 slides



Staff Recommendation:
Support *with anticipated
changes*

This bill includes provisions that came at the request of different municipalities (shelter cities and otherwise) over the past year.

Shelter Mitigation Fund Changes:

- Streamlines reporting: Annual report included in spring request for funding
 - Presenting to the USHB 1 time a year rather than 2 times a year
- Removes consideration of alternative funding sources
- Remove language around “demonstrated improvement” for camping and pedestrian safety (panhandling)

DRAFT LEGISLATION

HB 505 Homeless Services
Revisions (S. Eliason)

2 of 4 slides



Staff Recommendation:
Support *with anticipated
changes*

County Winter Response Plans

- Requires counties to use objective data and blind reviews to evaluate sites
- Requires OHS to notify task force only about non-compliance
- Removes UAC seat from task forces (should be ULCT seat)

DRAFT LEGISLATION

HB 505 Homeless Services
Revisions (S. Eliason)

3 of 4 slides



Staff Recommendation:
Support *with anticipated
changes*

Code Blue Adjustments

- Changes that stakeholders MAY coordinate street outreach (as opposed to shall)
 - *Needs Code Red alignment with SB 182*

DRAFT LEGISLATION

HB 505 Homeless Services
Revisions (S. Eliason)

4 of 4 slides



Staff Recommendation:
Support *with anticipated
changes*

Statewide Camping Standards

- Creates a definition for camping
 - erecting or occupying structures, including tents, temporary structures, recreational vehicles, travel trailers, or motor vehicles, for camping or other living accommodation activities, including sleeping, for any period of time;
 - using camping-related items, including cots, beds, sleeping bags, or hammocks, for sleeping or other living accommodation activities; or
 - cooking using a camp fire, propane stove, or other heat-producing portable cooking equipment.
- Cannot camp on state land (including SITLA) unless expressly authorized
- Unsanctioned camping on state land = class C misdemeanor
- *HB329 requires shelter cities have a definition of camping that aligns with state code. Give Molly feedback on camping definition.

DRAFT LEGISLATION

HB 329 Homeless Services
Amendments (T. Clancy)

1 of 5 slides



Staff Recommendation:
**Position Pending but
work toward Support**

General Provisions

- Creates Shelter Counties Advisory Board
- Prioritizes “innovative strategies” systemwide
- UHSB removes 1 county seat and replaces with someone with lived experience
- Creates reunification program within Homeless to Housing Account

DRAFT LEGISLATION

HB 329 Homeless Services
Amendments (T. Clancy)

1 of 5 slides



Staff Recommendation:
**Position Pending but
work toward Support**

Mitigation Changes

- Tier 3 definition changes to winter response shelter and any shelter open year round
- Allows UHSB to allocate mitigation funding in full or in part
- UHSB shall coordinate with DPS to determine municipal compliance (currently may)

DRAFT LEGISLATION

HB 329 Homeless Services
Amendments (T. Clancy)

1 of 5 slides



Staff Recommendation:
**Position Pending but
work toward Support**

Winter Response

- Task force advise and provide recommendations to USHB for need during winter response period including recommendations for site selection
- Taskforce changes
 - County rep doesn't have to be chief executive
 - Voting members appoint 2 people with lived experience, 2 people from the LHC, and 1 public safety rep
- Brings code sections back into the bill

DRAFT LEGISLATION

HB 329 Homeless Services
Amendments (T. Clancy)

1 of 5 slides



Staff Recommendation:
**Position Pending but
work toward Support**

Operations

- Allows Know By Name
- Allows ARPA grant funding for residential, vocational, and life skills programs
- Requires shelters to have a zero tolerance policy for drugs
- Requires services providers to partner with law enforcement to access premises with reasonable suspicion.
- Requires clients to sign policy and procedures expectations at shelters with state/federal funding
- Fiscal penalty for non-compliant shelters that receive state/federal funding

DRAFT LEGISLATION

HB 329 Homeless Services
Amendments (T. Clancy)

1 of 5 slides



Staff Recommendation:
**Position Pending but
work toward Support**

Public Safety

- 1st degree felony to produce, manufacture, dispense, or possess with the intent to produce, manufacture or dispense a controlled substance in or within 300 feet of a...
 - Year Round Shelter
 - Winter Response Shelter
 - Code Blue Shelter
 - Permanent supportive housing that is licensed by the state

DRAFT LEGISLATION

HB 329 Homeless Services
Amendments (T. Clancy)

1 of 5 slides



Staff Recommendation:
**Position Pending but
work toward Support**

Public Safety

- 1st degree felony to produce, manufacture, dispense, or possess with the intent to produce, manufacture or dispense a controlled substance in or within 300 feet of a...
 - Year Round Shelter
 - Winter Response Shelter
 - Code Blue Shelter
 - Permanent supportive housing that is licensed by the state

Gravel

DRAFT LEGISLATION

HB 355 Critical Infrastructure
Materials Amendments
(C. Snider)



Staff Recommendation:
Position Pending

- Allows an operator of a gravel operation to expand to new land that they own or control without permission of the local entity
 - Expansion regardless of local zoning
- Deadline of January 1, 2026 for vesting
 - Without having ceased operations for 24 months
- Operator gives notice to municipality before expansion
 - Municipality holds public hearing (30 days)
 - If municipality makes a finding of endangerment to health, safety, welfare they may impose mitigation standards
 - Cannot prohibit expansion if operator agrees to mitigation standards

Elections

DRAFT LEGISLATION

HB 300 Amendments to
Election Law (J. Burton)



Staff Recommendation:
Oppose as Drafted

Substitute Language Expected

Ballots will be mailed to voters, but ballots must be returned in person with voter ID

- Voters using a drop box must also show ID
- Drop box would only be available during certain hours


Slido results from last week

DRAFT LEGISLATION

HB 300 Amendments to
Election Law (J. Burton)

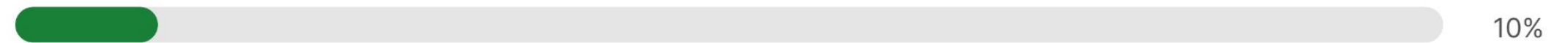


Staff Recommendation:
Oppose as Drafted

 Select the HB 300 proposals you feel comfortable with (select all that apply)

Multiple Choice Poll  158 votes  158 participants

For most voters, mailing ballots to voters but having to return ballot in person but showing ID - 16 votes



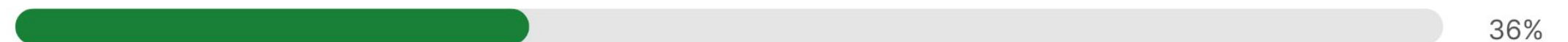
Drop boxes being available during certain hours, and having to show ID before dropping off ballot - 20 votes



Including last 4 digits of driver license number along with signature and being able to mail ballot or put in dropbox without showing ID - 100 votes



None of the above - 57 votes



slido

Municipal Broadband

DRAFT LEGISLATION

SB 165 Municipal Broadband
Service Amendments
(L. Fillmore)



Staff Recommendation:
Oppose as drafted

AS DRAFTED:

Subjects municipal broadband service to certain provisions in the Municipal Cable Television and Public Telecommunications Services Act.

- Municipalities who have existing broadband service are grandfathered from certain provisions

Requires voter approval for revenue bonds that fund municipal broadband infrastructure unless certain requirements are met.

New annual reporting & public hearing req'ts

ALTERNATIVE being negotiated (per prior LPC slide):

- 1) "enhanced notice" for future cities to do broadband
- 2) revenue bond w/voter approval ONLY if other revenue sources

DRAFT LEGISLATION

SB 165 Municipal Broadband
Service Amendments
(L. Fillmore)



Staff Recommendation:
Oppose as drafted

New annual reporting & public hearing requirement addressing:

- service connections
- revenue generated
- full cost accounting
- 10-year projected growth in demand
- 10-year full cost accounting of service
- 10-year projected revenues, and more

Revenue & Taxes

City imposed tax vs. fee:

Do you know the difference? Do your legislators know the difference?

	<i>Tax</i>	<i>Fee</i>
<i>Who authorizes it?</i>	State	City
<i>Who administers it?</i>	State Tax Commission	City
<i>What is it for?</i>	Revenue for general government	service fee: specific charge in return for specific benefit regulatory fee: specific charge which defrays the gov't cost of regulation
<i>Who pays?</i>	Some property owners, but not all (e.g. property tax & exempt property, sales tax & various bases)	All users pay for service <i>“to be a legit fee for service, amount charged must bear a reasonable relationship to the services provided, benefits received, or need created”</i>

DRAFT LEGISLATION

HB 454 Local Gov't Fees
Modifications (K. Peterson)



Staff Recommendation:
Support

Key differences between HB 454 & HB 367 (2024)

1) Transportation Utility Fee (TUF)

- a) cannot impose it solely based on property ownership
- b) in study methodology, shall at least have categories of:
 - i) residential
 - ii) commercial
 - iii) houses of worship

2) Public safety fee

- a) if you are a city of 3rd, 4th, 5th class or town & contract w/a political sub and you have one by Jan. 1, 2025, then repealed as of July 1, 2026 & have to re-authorize it every 3 years
 - i) does not apply to volunteer public safety fees

DRAFT LEGISLATION

HB 456 Transient Room Tax
Amendments



Staff Recommendation:
Position pending

- 1) State TRT increase
 - a) increase from .32 to 1.32
 - i) .32 = outdoor rec (status quo)
 - ii) 50% for state general fund
 - iii) 25% for rural search and rescue grants
 - iv) 25% to counties for tourism impacts (\$7ish mill)
- 2) County TRT flexibility
 - a) no changes to promotion v. non-promotion %
 - b) more ability to mitigate tourism with non-promotion \$
- 3) Municipal participation
 - a) Counties may contract w/cities
 - b) a few “high impact” cities get seats on county tourism advisory boards

ULCT: more \$ to “high impact” cities

Judiciary

DRAFT LEGISLATION

SB 154 S1 - Legislative Audit Amendments

SJR 4 - Amending Court
Rules on Attorney
Confidentiality
(B. Brammer)



*Staff recommendation:
Oppose as Drafted*

***Legislative Audit Amendments*:**

- Provides process for challenging gov. entity's claim of attorney client privilege, attorney-work product privilege
- Process:
 - Request by L.A.G.
 - Refuse, claim privilege and provide list of claimed privileged items and supp. info. within 7 days
 - L.A.G. challenges, selects arbitrator
 - Arbitrator makes determination w/in 7 days "favoring access to the L.A.G."
 - If lose on any item, gov. entity must reimburse for cost of arbitrator
- Privilege is not waived as to others, not a record

DRAFT LEGISLATION

SB 154 S1 - Legislative Audit
Amendments

SJR 4 S1 - Amending Court
Rules on Attorney
Confidentiality
(B. Brammer)



*Staff recommendation:
Oppose as Drafted*

***Amending Court Rules on Attorney Confidentiality*:**

- Sub 1 greatly reduces the negative implications
- Clarifies that documents/information given to the legislative auditor does not waive privilege

DRAFT LEGISLATION

HB 215 Sub 1 - Office of
Legislative Auditor General
Provisions (J. Burton)



Staff recommendation:
Neutral

Office of Leg. Auditor Gen. Provisions:

- Class A Misdemeanor if:
 - Intentionally hinder, delay, falsify, or prevent a legislative audit by:
 - Preventing by force, intimidation, or deception any person from performing an act that responds to or assists with a legislative audit
 - Altering, destroying, concealing, or removing any material, information, or resources from a legislative audit
 - Making, presenting, or using material, information, or resources known by the actor to be false
- Class B Misdemeanor if:
 - Intentionally hinder, delay, falsify, or prevent a legislative audit by:
 - Concealing audit-requested or nonprivileged information
 - Providing false information
 - Warning any person of an impending leg. audit

DRAFT LEGISLATION

HB 364 - Governmental
Immunity Amendments
(K. Christofferson)



*Staff recommendation:
Position Pending*

Governmental Immunity Amendments:

- Provides governmental immunity to law firms or attorneys hired by a municipality to perform legal work related to a governmental function
- Included within the definition of “Employee” but states that they cannot receive any seniority, status, benefits, insurance, salary, minimum wage, overtime pay, workers’ compensation, or tax-related withholding from the municipality that hired the firm or attorney

Retirement

DRAFT LEGISLATION

SB 20 Utah Retirement
Systems Amendments
(W. Harper)



Staff Recommendation:
Neutral

Gives URS participating employers the option to pay for the employee member contribution in addition to the required employer contribution...

ONLY IF

the employer also makes a contribution at the same compensation percentage to tier 2 hybrid employees.

For example, if a total contribution for a defined benefit employee is 12%, the employer has the option of picking up the additional 2% IF they contribute 2% to employees on the hybrid plan as well.

DRAFT LEGISLATION

HB 417 Public Safety
Retirement Amendments
(R. Wilcox)



Staff Recommendation:
Neutral

Allows a public safety retiree to be reemployed by a local education agency to provide law enforcement services without eliminating retirement benefits.

For example, a local LEO could retire and be reemployed by a school district as a school guardian without impacting retirement.

Short-term Rentals

CONVERSATIONS

& NEGOTIATIONS

Possible changes coming to HB 256 - Municipal and County Zoning Amendments (N. Walter)

Zoom meeting Wednesday at 11:30 to discuss approach.

Email Karson Eilers (keilers@ulct.org) to participate.

Billboards

DRAFT LEGISLATION

HB 198 Highway Expansion
Impact on Signage (V.
Peterson)



Staff Recommendation:
Oppose original; sub1 TBD

Problem to solve: I-15 reconstruction in south Davis Co/northern SL Co will affect BBs

HB 198: owner may relocate BB anywhere along same road because of reconstruction, not just within 1 mile (freeway) or ½ mile (highway) of existing BB or get compensated

Concerns:

- 1) removing radius shifts the compensation burden from UDOT to city
- 2) could allow BB to go anywhere on I-15 in state, impact on local zoning authority

Other points:

- 1) No net increase in BBs
- 2) No by-right upgrades

DRAFT LEGISLATION

HB 198 Highway Expansion
Impact on Signage (V.
Peterson)



Staff Recommendation:
Oppose original, sub1 TBD

No BB within 500 feet of:

- a) another BB
- b) interchange
- c) school
- d) park/playground
- e) cemetery
- f) scenic area
- g) note: some exceptions exist

BB may not be in residential areas; may only be in industrial and commercial zones

If a BB owner cannot find a suitable re-location, then gov't compensates the BB owner

ULCT priorities in negotiations:

- 1) focus on freeways, not state roads
- 2) don't change obstruction standard
- 3) relocation in same city

DRAFT LEGISLATION

HB 198 Highway Expansion
Impact on Signage (V.
Peterson)



Staff Recommendation:
Oppose original; sub1 TBD

1st substitute:

- 1) Freeway: 4 miles each direction due to reconstruction (up from 1) or obstruction (up from 500 ft)
- 2) State road: 1 mile (up from .5) each direction due to reconstruction on state road
- 3) status quo (ambiguous statute) about relocation within same city

LEAGUE ARMY ACTION ALERTS!

ACT Now!

- 1) Oppose HB 465 which withholds gas tax & homeless mitigation funds if a city of the 1st class doesn't contract w/DPS; let's find a better way
- 2) Oppose SB 262's language to require general plans "by ordinance" - in Senate Economic Development committee today
- 3) Support SB277 - GRAMA bill - in Senate Gov Ops committee today



LEAGUE ARMY ACTION ALERT!

Watch for Action Alerts

- 1) Oppose HB 198 which allows for relocation of billboards due to road reconstruction unless our suggested language is incorporated
- 2) Modify Elections Bill - HB 300
- 3) Oppose Gravel Bill HB 355
- 4) Support TUF Bill - HB 454 - Committee action alert





ULCT Bill Tracker

