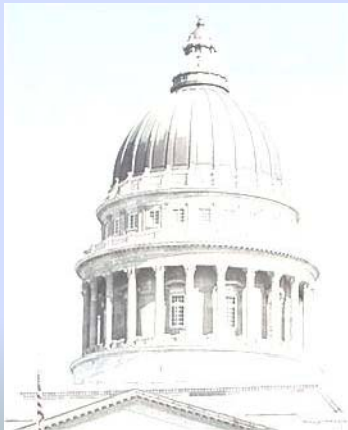


2010 Legislative Review

**21 Bills Directly Related to
Housing**

**Funding for Olene and Pamela
Funds**

9 Interim Items



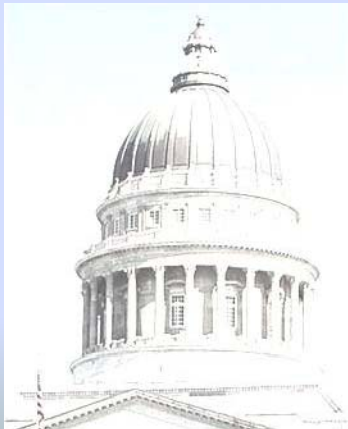
2010 Legislative Review



Utah Housing Coalition
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www.utahhousing.org

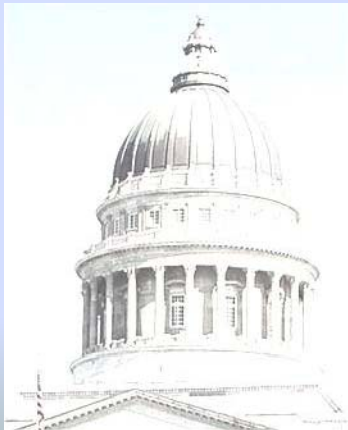
Promoting affordable housing to ensure healthy and stable communities

Week Seven 2010 Utah Legislature Session				
Bill Sponsor	Title	Comments	Position	Priority
PASSED				
HB 53 1st Substitute Rep. Wilcox	Foreclosure Rescue and Loan Modification Amendments This bill modifies definitions related to real estate licensing; modifies prohibited conduct by real estate licensees; modifies definitions related to mortgage officer licensing; modifies prohibited conduct by a mortgage officer licensee; and makes technical and conforming amendments.	01/28/2010 Passed the House 95-0-8 02/05/2010 Passed the Senate 3 rd Reading Calendar 25-9-4 02/9/2010 House Concurs with the Senate Amendment 85-0-10 02/11/2010 Draft of Enrolled Bill Prepared	SUPPORT	2
HB 219 1st Substitute <i>Amended</i> Rep. Froerer	Delinquent Property Tax Amendments This bill increases the penalty imposed on delinquent property taxes from 2% to 2.5%; provides that the penalty is only 1% if the delinquent property taxes and the penalty are paid by a specified date; provides that the interest rate that attaches to delinquent taxes and the penalty be: no less than 7%; and no more than 10%; and makes technical changes. The bill takes effect July 1, 2010.	02/03/2010 Passed the House 95-3-5 02/18/2010 Passed the Senate Unanimously with amendments 02/19/2010 Passed the House with the Senate amendments 84-9-2 02/23/2010 Draft of Enrolled Bill Prepared	NEUTRAL	2
HB 222 Rep. Beck	Land Use Meeting Notice This bill amends the notice requirements for a public hearing to adopt or modify a land use ordinance. The notice for public hearing has to be mailed at least 10 days before the hearing.	02/11/2010 Passed the House 95-3-7 02/23/2010 Passed the Senate 23-0-6	SUPPORT	2
HB 243 2nd Substitute Rep. Harper	Foreclosure Process on Residential Rental Properties This bill: modifies requirements for notices of trustee's sale if the property to be sold is residential rental property; modifies unlawful detainer provisions relating to foreclosed residential rental property; enacts a provision requiring a notice to a tenant of property that is subject to a mortgage foreclosure proceeding; provides a sunset for provisions enacted in this bill; and makes technical changes.	02/24/2010 Draft of Enrolled Bill Prepared 03/02/2010 Passed the House by Unanimous Vote 03/10/2010 Passed the Senate by Unanimous Vote 03/11/2010 Draft of Enrolled Bill Prepared The bill has been changed since it was first introduced. It still provides the necessary protections for renters, but it sunsets on December 31, 2012 (same as the federal bill).	SUPPORT	1



2010 Legislative Review

OVERALL HOUSING ISSUES



Manufactured Housing
Renters/Landlord Relationships
Fit Premises Revisions
Economic Development Amendments
Foreclosure
Meth Contaminated Properties
Property Tax Amendments
Fee Exemptions
Transfer or Sale Tax
Residential Facilities for Elderly Persons

2010 Legislative Review

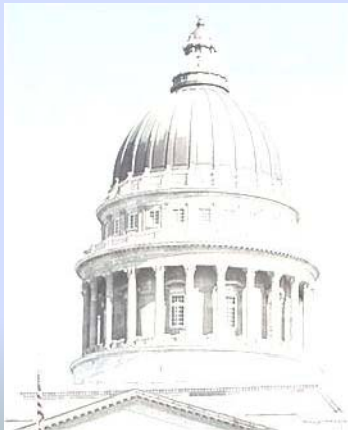
BILLS OF IMPORTANCE TO YOU

HB 190 Meth Contaminated Properties

SB 45 Fit Premises Revisions

SB 196 &
SB 197 Economic Development Amendments

FUNDING Olene Walker Housing Loan Fund &
Pamela Atkinson Homeless Trust Fund



2010 Legislative Review

HB 190 “ Disclosure of Methamphetamine Property Act Amendments Representative Steve Mascaro

Currently, the state law requires the owner or lessor to disclose the contamination only if they have actual knowledge that the property is currently contaminated

- Required an owner or lessor who obtains information that would lead a reasonable person to believe that property is or may be contaminated from methamphetamines to exercise reasonable diligence to determine whether the property is contaminated
- Owner or lessor must report the contamination (currently is optional)
- The bill failed to pass; it will be studied during interim

2010 Legislative Review

SB 45 1st Substitute “Utah Fit Premises Act” – Senator Wayne Niederhauser

Currently, the state law is very broad; only seven local governments have ordinances in place that go beyond state law;

Please See Fact Sheet provided by Sonya Martinez, SLCAP

- Creates a state wide standard
- Prohibits local governments from placing a specified limit on the number of unrelated individuals allowed to occupy a single-family unit
- A domestic violence victim will be able to break the lease
- Modifies a renter’s remedies against an owner due to habitability issues
- Tenants may utilize repair and deduct
- Some prohibitions on local governments
- Indirectly related to disproportionate rental fee amendments (HB 220) /good landlord program; HB 220 fail to pass and will be studied during Interim

2010 Legislative Review

SB 196 2nd Substitute “ Community Development and Renewal Amendments”

Senator Gene Davis

This bill was a response to the modifications passed last year regarding EDA; now is optional for an economic development project to have the 20% funds from the tax increment used for housing

- To address the issue of backloading, the 20 % funds have to be allocated to housing starting with the first year; even if backloading doesn't really happen anymore, this provision was necessary
- Initially, the bill mandated that two separate housing plans have to be provided to the Tax Entities Committees: one with housing, and one without; the TEC will have made the decision which one to pick
- Due to complaints about the cost of providing two separate housing plans, this part was replaced with two budgets
- The bill failed to pass; it will be studied in interim

2010 Legislative Review

SB 197 “ Community Development and Renewal Agency Amendments ” Senator Curtis Bramble

During the Senate presentation, Senator Bramble clarified through the legislative intent that the 20% from the tax increment still has to be allocated to housing

- It was clarified that an agency can allocate funds to housing only to the extent that there's tax increment; if the projected tax increment was \$100,000 but they receive \$80,000 they still have to allocate the money according to the budget; if there are insufficient funds, then a revision of the budget is necessary
- RDA agencies will be able to loan funds from one project to another (Gateway money can be used for the Viaduct project)
- The successor in interest of the property has to continue the obligations of the initial project
- Other technical changes that the RDA association wanted
- The bill passed

2010 Legislative Review

HB 388 2nd Substitute “Mobile Home Revisions” Representative Jim Dunnigan

- Redefines a mobile home park residents’ association
- Gives residents the right to form and operate residents’ associations, and to participate in regional, state, or national residents’ associations
- Prohibits harassment, interference, and other unfair tactics toward resident associations
- Requires the community owner to make common facilities available for resident meetings on the SAME BASIS as other events
- Allows residents and non-commercial entities that advocate for residents of the mobile home park to pass out flyers or canvass peacefully in the community, subject to reasonable rules as to time, place, and manner
- Prohibits retaliation against a resident simply for exercising the right to join an association, making complaints about conditions in the community or exercising other similar rights; park owners can not harass or threaten resident associations and vice versa
- This proposed section will not be construed to prohibit a park operator from evicting a manufactured homeowner or exercising other rights as provided in other provisions of the Mobile Home Residency Act
- The bill passed

2010 Legislative Review

HB 243 2nd Substitute “Foreclosure Process on Residential Rental Properties” Representative Wayne Harper

- Modifies requirements for notices of trustee's sale if the property to be sold is residential rental property
- Modifies unlawful detainer provisions relating to foreclosed residential rental property; enacts a provision requiring a notice to a tenant of property that is subject to a mortgage foreclosure proceeding
- Provides a sunset for provisions enacted in this bill; and makes technical changes
- The bill is a compromise from what was initially desired
- The federal law, PTFA, expires on 12/31/2012; Our intent was to have something permanent in Utah statute, but we couldn't achieve that
- The bill passed

2010 Legislative Review

Olene Walker Housing Loan Fund

Among other resources, the Legislature provides an allocation from the General Fund and they have the option to provide one-time money.

We don't have a dedicated source for OWHLF.

For the 2011 Fiscal Year, the Legislature approved \$2,236,300 from the General Fund (a \$39,000 cut), and \$ 4,400,000 from the Federal Funds, a total of \$6,636,300.

No one-time money.

Initially, the Governor's recommended budget had a \$105,000 cut from last year .

2010 Legislative Review

Pamela Atkinson Homeless Trust Fund

The fund receives monies allocated by the Legislature from the General Fund and from the voluntary tax income contributions (restricted funds).

The Legislature also has the option to provide one-time money.

For the 2011 Fiscal Year, the Legislature approved \$583,1000 from the General Fund (a \$30,000 cut).

No one-time money.

Initially, the Governor's recommended budget had a \$105,000 cut from last year .

2010 Legislative Review

Interim Items

- Transfer or Sale disclosure price of real property to county assessors' offices, and the constitutional ban on a transfer or sale tax on real property (HB 61 & HJR7); Utah doesn't have such tax
- HB 190- Meth Contaminated Properties
- HB 220- Disproportionate Rental Fee Amendments /Good Landlord Program Issues
- Assisted Housing Waiting Lists
- Residential Facilities for the Elderly (HB 401)
- Property Tax Exemptions (HB 182)
- Community Redevelopment and Renewal Agency (SB 196)
- Housing discrimination provisions related to LGBT population

CONTACT INFORMATION

HB 190	Rep. Steve Mascaro	801-201-2913	steven_mascaro@comcast.net
	Mary Lou Emerson (Utah substance Abuse and Anti-Violence Coordinating Council)	801-538-1921	memerson@utah.gov
SB 45	Sonya Martinez (SLCAP)	801-214-3148	smartinez@slcap.org
SB 196 & SB 197	Steve Erickson	801-554-9029	erickson.steve1@comcast.net

Manufactured Home Issues, Good Landlord Program, Meth Contaminated Properties, Foreclosure Prevention and Counseling , Renters in Foreclosure

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Tara Rollins (UHC)	801-364-0077	trollins@xmission.com

Manufactured Home Issues & Organizing

Melinda Gurr (SLCAP)	801-359-2444	mgurr@slcap.org
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Renters in Foreclosure, Incentives for Better Zoning Practices, Sale or Transfer Tax, Funding

Shawn Teigen (CAP Utah)	801- 433-3025 ext 4	shawn@caputah.org
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Olene and Pamela /Economic Development /Community & Culture

Dr. Andrea Wilko, Legislative Fiscal Analyst Office	awilko@utah.gov
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**For all other issues, please contact our office and we will send you to the right person
801-364-0077**