

House Political Subdivisions Committee
February 13th, 2025

Bill: 1st substitute HB 37 – Utah Housing Amendments

Sponsor: Representative James A. Dunnigan

Floor Sponsor:

UASD Position: Tracking

This Bill deals with housing development and housing policy.

Discussion: The sponsor presented the 1st substitute of the Bill, which was adopted by the Committee. Cameron Diehl, Director of the Utah League of Cities and Towns (the “League”) spoke in support of the Bill, explaining that it follows recommendations from a state housing audit. One recommendation was to amend the purpose of the Land Use Development and Management Act by adding language supporting affordable housing. Another recommendation was to create a statewide strategic plan for affordable housing, which this Bill addresses by requiring the office to collaborate with the Legislature, local governments, the home building industry, and other stakeholders to develop the state housing plan, as outlined starting on line 1716. Mr. Diehl emphasized key elements of the plan: fostering collaboration, prioritizing data and metrics, and implementing moderate-income housing strategies. He also highlighted the partnership between the public and private sectors to promote affordable homeownership. Representative Dunnigan pointed out that the goal is to encourage affordable owner occupancy through incentives for cities.

Representative Ward asked if the Bill allows cities to add restrictions they currently cannot impose, such as requiring units to meet a specific price point. Mr. Diehl clarified that the Bill does not permit cities to set price points but allows the creation of density bonus programs to promote affordability. When asked whether deed restrictions requiring owner occupancy might limit owners’ rights, Mr. Diehl explained that, while it is a relatively new concept, the Bill does not appear to restrict property use significantly. Representative Fitsiemanu inquired about the consistency of the affordable housing definition with others in state Code, to which Mr. Diehl confirmed that the Bill’s definition aligns with existing legislation. Representative Bennion asked about the propane provision, wondering if it was mandatory. The sponsor clarified that it is optional but allows developments using propane instead of natural gas to access bonding opportunities through the muni bond market. The Utah Association of Realtors, the Utah League of Cities and Towns, and Steve Waldrip, Senior Advisor on Housing Strategy and Innovation for the Governor’s Office spoke in favor of the Bill.

Yeas: 6

Nays: 0

N/V: 4

Outcome: 1st substitute HB 37 passed out of the Committee with a favorable recommendation.

Bill: HB 360 – Housing Attainability Amendments

Sponsor: Representative Stephen L. Whyte

Floor Sponsor: Senator Lincoln Fillmore

UASD Position: Support

This Bill amends provisions related to affordable housing.

Discussion: The sponsor emphasized that this Bill is connected to several housing attainability Bills previously passed by the Legislature. He explained that this consensus Bill focuses on utilizing surplus state and municipally owned land. The Bill clarifies the authority of political subdivisions to hold closed meetings to discuss financial proposals related to land development by the state or a political subdivision of the state. Additionally, it adds geographic diversity requirements for the six public Trustees of the Utah Housing Corporation and repeals the sunset date for the Utah Housing Corporation, allowing it to operate indefinitely. David Damschen, representing the Utah Housing Corporation, spoke in favor of the Bill, particularly highlighting its positive impact on the Utah Housing Corporation Board of Trustees. Steve Waldrip, the Senior Advisor on Housing Strategy and Innovation for the Governor's Office, also presented with the sponsor of the Bill, emphasizing support.

Representative Walter asked for clarification on whether this Bill would authorize surplus land transactions at market value with development partners. The sponsor assured him that the Bill would not allow backroom deals but would provide flexibility to work with development partners within the framework of procurement laws. Representative Walter then inquired whether this would apply to SITLA and if it could authorize transactions below market value, contrary to SITLA's statutory mandate. The sponsor responded that he did not believe it would, but he was open to adding guardrails if necessary. Representative Bennion asked if the Bill would enable local landowners to offer community land trusts. The sponsor confirmed that it would, providing more flexibility in structuring such transactions. Representative Fitsiemanu raised a question about the proposal to delete line 195, which removes party affiliation requirements for board members. The sponsor explained that party affiliation does not impact the board's work. David Damschen echoed this, emphasizing that housing issues are typically bipartisan, and they prioritize expertise over political affiliation. Representative Walter expressed concerns about the language on line 329 and suggested working with the sponsor to address it on the floor of the House. Representative Bennion shared similar concerns and offered to collaborate with the sponsor to refine the Bill. No further discussion followed.

Yeas: 6

Nays: 1

N/V: 1

Outcome: HB 360 passed out of the Committee with a favorable recommendation.

Bill: 1st substitute HB 368 – Local Land Use Amendments

Sponsor: Representative Stephen L. Whyte

Floor Sponsor: Senator Lincoln Fillmore

UASD Position: Tracking

This Bill modifies provisions related to land use.

Discussion: Representative Whyte began his presentation with a few key statistics, demonstrating the need for better affordable housing policy with the growth of housing needs in Utah. The sponsor stated that this Bill clarifies statutes related to municipal annexation and boundary adjustments. He further explained that it modifies processes for municipal plan reviews, public hearing notices, and expedited building plan approvals while limiting public hearing requirements for land use appeals. Additionally, the Bill updates provisions on landscaping regulations, warranty inspections, development rights, and real property transfers to public entities. The sponsor spoke to the 1st substitute but noted that a 2nd substitute was being developed to address feedback from multiple stakeholders. The Committee adopted the 1st substitute of the Bill. Cameron Diehl from the Utah League of Cities and Towns and Mike Ostermiller spoke in support of the Bill.

Representative Bennion requested clarification on public hearings for proposed land use regulations. Mr. Diehl explained that, while public hearings are helpful, they can be challenging to navigate due to legal requirements that constituents may not fully understand. He emphasized that land use appeals should focus on the factual record rather than public perception. The Utah League of Cities and Towns reaffirmed its support, noting that the Bill strikes a good balance between promoting affordable housing and encouraging homeownership. A representative of the Jordan Valley Water Conservancy District also spoke in favor of the Bill but encouraged future collaboration with developers to help new homeowners better understand local landscaping requirements. No further discussion or public comment followed.

Yeas: 6
Nays: 0
N/V: 4

Outcome: 1st substitute HB 368 passed out of the Committee with a favorable recommendation.

Bill: HB 328 – Water Usage Amendments

Sponsor: Representative Doug Owens

Floor Sponsor: TBD

UASD Position: Tracking

This Bill addresses the use of overhead spray irrigation under specified circumstances.

Discussion: The Bill was not heard.

Yeas:
Nays:
N/V:

Outcome: HB 328 was not heard in Committee on February 13, 2025.