

1 **REPEAL OF METHAMPHETAMINE HOUSING**
2 **RECONSTRUCTION AND REHABILITATION ACCOUNT**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Edward H. Redd**

6 Senate Sponsor: Karen Mayne

8 **LONG TITLE**

9 **General Description:**

10 This bill repeals the Methamphetamine Housing Reconstruction and Rehabilitation
11 Account Act.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ repeals the Methamphetamine Housing Reconstruction and Rehabilitation Account
15 Act and related provisions; and

16 ▶ provides that funds remaining in the Methamphetamine Housing Reconstruction
17 and Rehabilitation Account on June 30, 2015, shall be deposited into the Olene
18 Walker Housing Loan Fund.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **35A-8-1103**, as renumbered and amended by Laws of Utah 2012, Chapter 212

26 ENACTS:

27 **63I-2-235**, Utah Code Annotated 1953

28 REPEALS:

29 **59-10-1314**, as last amended by Laws of Utah 2012, Chapter 212



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **35A-8-1103** is amended to read:

33 **35A-8-1103. Methamphetamine Housing Reconstruction and Rehabilitation**

34 **Account -- Creation -- Interest -- Use of contributions and interest.**

35 (1) There is created within the General Fund a restricted account known as the
36 Methamphetamine Housing Reconstruction and Rehabilitation Account.

37 (2) The account shall be funded by:

38 (a) contributions deposited into the account in accordance with Section **59-10-1314**;

39 and

40 (b) interest described in Subsection (3).

41 (3) (a) The account shall earn interest.

42 (b) Interest earned on the account shall be deposited into the account.

43 (4) (a) ~~The~~ Except as provided in Subsection (7), the division shall distribute
44 contributions and interest deposited into the account to one or more qualified housing
45 organizations.

46 (b) (i) Subject to Subsection (4)(b)(ii), a qualified housing organization that receives a
47 distribution from the division in accordance with Subsection (4)(a) shall expend the
48 distribution to:

49 (A) reconstruct or rehabilitate one or more residences that are:

50 (I) sold to low-income persons selected by the qualified housing organization in
51 accordance with any rules the division makes as authorized by this section; and

52 (II) financed with loans that are not subject to interest as determined by the qualified
53 housing organization in accordance with any rules the division makes as authorized by this
54 section; or

55 (B) purchase property upon which a residence described in Subsection (4)(b)(i)(A) is

56 reconstructed or rehabilitated.

57 (ii) A qualified housing organization may not expend a distribution the qualified
58 housing organization receives in accordance with this Subsection (4) for any administrative
59 cost relating to an expenditure authorized by Subsection (4)(b)(i).

60 (5) (a) In accordance with any rules the division makes as authorized under Subsection
61 (6)(c), a qualified housing organization may apply to the division to receive a distribution
62 under Subsection (4).

63 (b) A qualified housing organization may apply to the division to receive a distribution
64 under Subsection (4) by filing an application with the division:

- 65 (i) on or before November 1; and
- 66 (ii) on a form provided by the division.

67 (c) The application:

68 (i) shall include information required by the division establishing that the qualified
69 housing organization owns each residence with respect to which the qualified housing
70 organization plans to expend a distribution under Subsection (4);

71 (ii) shall include information required by the division establishing the qualified housing
72 organization's plan to expend the distribution for a purpose described in Subsection (4)(b)(i);

73 (iii) shall include information required by the division establishing that the qualified
74 housing organization's plan to expend the distribution meets conditions established in
75 accordance with Title 19, Chapter 6, Part 9, Illegal Drug Operations Site Reporting and
76 Decontamination Act, for a local health department to remove the residence from the local
77 health department's decontamination list; and

78 (iv) may include other information the division requires by rule.

79 (d) The division shall determine on or before the November 30 immediately following
80 the November 1 described in Subsection (5)(b)(i) whether a qualified housing organization's
81 application to the division meets the requirements of Subsection (5)(c).

82 (e) (i) The division shall distribute money credited to the account to each qualified

83 housing organization that meets the requirements of Subsection (5)(c) as determined by the
84 division:

85 (A) on or before the December 31 immediately following the November 1 described in
86 Subsection (5)(b)(i); and

87 (B) in accordance with this Subsection (5)(e).

88 (ii) The division shall determine:

89 (A) the population of the county in which a qualified housing organization that meets
90 the requirements of Subsection (5)(c) is headquartered; and

91 (B) the total population of all of the counties in which the qualified housing
92 organizations that meet the requirements of Subsection (5)(c) are headquartered.

93 (iii) Except as provided in Subsection (5)(e)(iv), the division shall determine a
94 qualified housing organization's distribution by making the following calculation:

95 (A) calculating a percentage determined by dividing the population of the county in
96 which the qualified housing organization that meets the requirements of Subsection (5)(c) is
97 headquartered by the population calculated under Subsection (5)(e)(ii)(B); and

98 (B) multiplying the percentage determined under Subsection (5)(e)(iii)(A) by the
99 account balance.

100 (iv) If two or more qualified housing organizations that meet the requirements of
101 Subsection (5)(c) as determined by the division are headquartered within one county, the
102 division shall determine each qualified housing organization's distribution by:

103 (A) making the calculation required by Subsection (5)(e)(iii); and

104 (B) dividing the amount calculated under Subsection (5)(e)(iii) by the number of
105 qualified housing organizations that meet the requirements of Subsection (5)(c) as determined
106 by the division that are headquartered within the county.

107 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
108 division may make rules:

109 (a) to define what constitutes:

- 110 (i) a low-income person;
- 111 (ii) a loan that is not subject to interest; and
- 112 (iii) an apartment or other rental unit;
- 113 (b) for determining the circumstances under which real property is appurtenant to a
- 114 residence;
- 115 (c) prescribing information a qualified housing organization is required to include with
- 116 an application under Subsection (5);
- 117 (d) for purposes of Subsection (5)(e), for determining the population of a county; and
- 118 (e) for determining the county in which a qualified housing organization is
- 119 headquartered.

120 (7) Any contributions and interest remaining in the Methamphetamine Housing
121 Reconstruction and Rehabilitation Account on June 30, 2015, shall be deposited into the Olene
122 Walker Housing Loan Fund created in Section 35A-8-502 and may be used for any of the
123 purposes described in Section 35A-8-505.

124 Section 2. Section **63I-2-235** is enacted to read:

125 **63I-2-235. Repeal dates -- Title 35A.**

126 Title 35A, Chapter 8, Part 11, Methamphetamine Housing Reconstruction and
127 Rehabilitation Account Act, is repealed July 1, 2015.

128 Section 3. **Repealer.**

129 This bill repeals:

130 Section **59-10-1314, Contribution to Methamphetamine Housing Reconstruction**
131 **and Rehabilitation Account.**