

1 **LOCAL GOVERNMENT RESIDENTIAL REIMBURSEMENT**

2 **AUTHORITY**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Johnny Anderson**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill authorizes a municipality or county to reimburse an eligible property owner for
11 certain costs if the owner transfers an eligible property's title to a single-family fee
12 simple ownership.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ enacts Title 11, Chapter 53, Residential Property Reimbursement;
- 16 ▶ defines terms;
- 17 ▶ authorizes a municipality or county to establish a reimbursement fund;
- 18 ▶ authorizes a municipality or county to reimburse an eligible property owner for
19 certain costs if the owner transfers an eligible property's title to a single-family fee
20 simple ownership;
- 21 ▶ requires a municipality or county to adopt certain qualifications and limitations on a
22 reimbursement; and
- 23 ▶ provides a repeal date.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 ENACTS:

- 30 [11-53-101](#), Utah Code Annotated 1953
- 31 [11-53-102](#), Utah Code Annotated 1953
- 32 [11-53-201](#), Utah Code Annotated 1953
- 33 [11-53-202](#), Utah Code Annotated 1953
- 34 [11-53-203](#), Utah Code Annotated 1953
- 35 [63I-2-211](#), Utah Code Annotated 1953

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

38 Section 1. Section [11-53-101](#) is enacted to read:

39 **CHAPTER 53. RESIDENTIAL PROPERTY REIMBURSEMENT**

40 **Part 1. General Provisions**

41 **11-53-101. Title.**

42 This chapter is known as "Residential Property Reimbursement."

43 Section 2. Section [11-53-102](#) is enacted to read:

44 **11-53-102. Definitions.**

45 As used in this chapter:

46 (1) "Eligible property" means a residential property with a recorded title as a two-party,
47 multifamily condominium.

48 (2) "Eligible property owner" means an owner:

49 (a) of an eligible property; and

50 (b) that intends to subdivide the property and transfer title to a single-family fee simple
51 ownership.

52 (3) "Reimbursement fund" means a fund established in accordance with Section
53 [11-53-201](#).

54 Section 3. Section [11-53-201](#) is enacted to read:

55 **Part 2. Funding Authorized and Reimbursement Provisions**

56 **11-53-201. Establishment of reimbursement fund authorized.**

57 (1) (a) In a county of the first class, a municipality or the county may provide funds to
58 reimburse an eligible property owner for all or a portion of the costs the eligible property owner

59 incurs if the owner transfers an eligible property title to a single-family fee simple ownership.

60 (b) The costs described in Subsection (1)(a) that a municipality or county may
 61 reimburse in accordance with this chapter are limited to costs incurred by the eligible property
 62 owner for the following:

- 63 (i) survey services;
 64 (ii) platting fees; or
 65 (iii) subdivision application fees.

66 (2) The municipality or county shall establish a reimbursement fund to account for the
 67 funds described in Subsection (1).

68 Section 4. Section **11-53-202** is enacted to read:

69 **11-53-202. Reimbursement to eligible property owner.**

70 (1) An eligible property owner may apply for reimbursement from the municipality or
 71 county in which the eligible property is located for all or a portion of the owner's costs, as
 72 described in Section [11-53-201](#), to transfer the eligible property title to a single-family fee
 73 simple ownership.

74 (2) The municipality or county may not reimburse the eligible property owner unless
 75 each owner of a property located within the condominium complex whose title would be
 76 affected if the eligible property's title is transferred agrees to and participates in the transfer.

77 (3) The county or municipality may limit reimbursement to eligible properties in a
 78 specific development or properties that are identified in a list of residential properties.

79 Section 5. Section **11-53-203** is enacted to read:

80 **11-53-203. Qualifications for reimbursement.**

81 (1) ~~H~~→ ~~[Subject]~~ **If a county or municipality elects to create a fund under this chapter,**
 81a **and subject** ~~←H~~ to Subsections (2) and (3), a municipality or county shall establish by
 82 ordinance, or, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, in the
 83 provisions of an interlocal cooperation agreement, specific standards, limitations, and
 84 qualifications for reimbursement to an eligible property owner.

85 (2) A standard or qualification may not authorize a property owner other than an
 86 eligible property owner to qualify for a reimbursement.

87 (3) In addition to other standards, the municipality or county shall adopt by ordinance
 88 provisions, or, if applicable, parties to an interlocal agreement shall adopt agreement
 89 provisions, governing the following:

- 90 (a) the amount of the financial contribution from each party to an interlocal agreement,
- 91 if applicable;
- 92 (b) the management of the reimbursement fund;
- 93 (c) the qualification of an eligible property owner in addition to qualifications
- 94 described in this chapter;
- 95 (d) procedures and standards regarding the disbursement of funds;
- 96 (e) which of the costs listed in Section [11-53-201](#) will be reimbursed;
- 97 (f) a maximum amount of reimbursement for each of those costs; and
- 98 (g) the method of repayment by the property owner of the reimbursement under
- 99 circumstances as set forth in ordinance or agreement provisions.

100 Section 6. Section **63I-2-211** is enacted to read:

101 **63I-2-211. Repeal dates -- Title 11.**

102 Title 11, Chapter 53, Residential Property Reimbursement, is repealed on January 1,

103 2020.

Legislative Review Note
as of 8-20-13 8:56 AM

Office of Legislative Research and General Counsel