

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

AFFORDABLE HOUSING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a commission in the Department of Workforce Services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ creates the Commission on Housing Affordability in the Department of Workforce Services;
 - ▶ describes the membership, duties, and reporting requirements of the commission;
- and
- ▶ provides a sunset date.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-235, as last amended by Laws of Utah 2017, Chapters 128 and 469

ENACTS:

35A-8-2101, Utah Code Annotated 1953

35A-8-2102, Utah Code Annotated 1953



28 [35A-8-2103](#), Utah Code Annotated 1953

29 [35A-8-2104](#), Utah Code Annotated 1953



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

32 Section 1. Section **35A-8-2101** is enacted to read:

33 **Part 21. Commission on Housing Affordability**

34 **35A-8-2101. Definitions.**

35 As used in this part, "commission" means the Commission on Housing Affordability
36 created in Section [35A-8-2102](#).

37 Section 2. Section **35A-8-2102** is enacted to read:

38 **35A-8-2102. Commission on Housing Affordability.**

39 (1) There is created within the department the Commission on Housing Affordability.

40 (2) The commission shall consist of 17 members as follows:

41 (a) one senator appointed by the president of the Senate;

42 (b) two representatives appointed by the speaker of the House of Representatives;

43 (c) the director of the division;

44 (d) the executive director of the Governor's Office of Economic Development or the
45 executive director's designee;

46 (e) the executive director of the Department of Transportation or the executive
47 director's designee;

48 (f) the president of the Utah Housing Corporation or the president's designee; and

49 (g) 10 members appointed by the governor as follows:

50 (i) one individual representing the land development community with experience and
51 expertise in affordable, subsidized multi-family development, recommended by the Utah
52 Homebuilders Association;

53 (ii) one individual representing the real estate industry, recommended by the Utah
54 Association of Realtors;

55 (iii) one individual representing the banking industry, recommended by the Utah
56 Bankers Association;

57 (iv) one individual representing public housing authorities, recommended by the
58 director of the division;

- 59 (v) one individual representing municipal government, recommended by the Utah
60 League of Cities and Towns;
- 61 (vi) one individual representing redevelopment agencies and community reinvestment
62 agencies, recommended by the Utah Redevelopment Association;
- 63 (vii) two individuals representing county government, recommended by the Utah
64 Association of Counties, where:
- 65 (A) one of the individuals is from a county of the first class; and
66 (B) one of the individuals is from a rural county;
- 67 (viii) one individual representing a nonprofit organization that addresses issues related
68 to affordable housing; and
- 69 (ix) one individual with expertise on affordable housing issues in rural communities.
- 70 (3) (a) When a vacancy occurs in a position appointed by the governor under
71 Subsection (2)(g), the governor shall appoint a person to fill the vacancy.
- 72 (b) Members appointed under Subsection (2)(g) may be removed by the governor for
73 cause.
- 74 (c) A member appointed under Subsection (2)(g) shall be removed from the
75 commission and replaced by an appointee of the governor if the member is absent for three
76 consecutive meetings of the commission without being excused by a cochair of the
77 commission.
- 78 (d) A member serves until the member's successor is appointed and qualified.
- 79 (4) (a) The commission shall select two members to serve as cochairs, one of which
80 shall be a legislator.
- 81 (b) Subject to the other provisions of this Subsection (4), the cochairs are responsible
82 for the call and conduct of meetings.
- 83 (c) The cochairs shall call and hold meetings of the commission at least four times each
84 year.
- 85 (d) One or more additional meetings may be called upon request by a majority of the
86 commission's members.
- 87 (5) (a) A majority of the members of the commission constitutes a quorum.
88 (b) The action of a majority of a quorum constitutes the action of the commission.
89 (6) (a) A member of the commission described in Subsections (2)(c) through (g) may

90 not receive compensation or benefits for the member's service, but may receive per diem and
91 travel expenses in accordance with:

92 (i) Section 63A-3-106;

93 (ii) Section 63A-3-107; and

94 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
95 63A-3-107.

96 (b) Compensation and expenses of a member who is a legislator are governed by
97 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

98 (7) The division shall provide staff support to the commission.

99 Section 3. Section 35A-8-2103 is enacted to read:

100 **35A-8-2103. Duties of the commission.**

101 (1) The commission's duties include:

102 (a) increasing public and government understanding of the affordable housing needs of
103 the state and how those needs may be most effectively and efficiently met, through empirical
104 study and investigation;

105 (b) identifying and recommending implementation of specific strategies, policies,
106 procedures, and programs to address the affordable housing needs of the state;

107 (c) facilitating the communication and coordination of public and private entities that
108 are involved in developing, financing, providing, advocating for, and administering affordable
109 housing in the state;

110 (d) studying, evaluating, and reporting on the status and effectiveness of policies,
111 procedures, and programs that address affordable housing in the state;

112 (e) studying and evaluating the policies, procedures, and programs implemented by
113 other states that address affordable housing;

114 (f) providing a forum for public comment on issues related to affordable housing; and

115 (g) providing recommendations to the governor and Legislature on strategies, policies,
116 procedures, and programs to address the affordable housing needs of the state.

117 (2) To accomplish its duties, the commission may:

118 (a) request and receive from a state or local government agency or institution summary
119 information relating to affordable housing, including:

120 (i) reports;

- 121 (ii) audits;
- 122 (iii) projections; and
- 123 (iv) statistics;
- 124 (b) apply for and accept grants or donations for uses consistent with the duties of the
- 125 commission from public or private sources; and
- 126 (c) appoint one or more advisory groups to advise and assist the commission.

- 127 (3) Money received under Subsection (2)(b) shall be:
- 128 (a) accounted for and expended in compliance with the requirements of federal and
- 129 state law; and
- 130 (b) continuously available to the commission to carry out the commission's duties.

- 131 (4) (a) A member of an advisory group described in Subsection (2)(c):
- 132 (i) shall be appointed by the commission;
- 133 (ii) may be:
- 134 (A) a member of the commission; or
- 135 (B) an individual from the private or public sector; and
- 136 (iii) notwithstanding Section [35A-8-2102](#), may not receive reimbursement or pay for
- 137 any work done in relation to the advisory group.

- 138 (b) An advisory group described in Subsection (2)(c) shall report to the commission on
- 139 the progress of the advisory group.

140 Section 4. Section **35A-8-2104** is enacted to read:

141 **35A-8-2104. Annual report.**

- 142 (1) The commission shall annually prepare a report for inclusion in the department's
- 143 annual written report described in Section [35A-1-109](#).

- 144 (2) The report described in Subsection (1) shall:
- 145 (a) describe how the commission fulfilled its statutory duties during the year; and
- 146 (b) contain recommendations on how the state should act to address issues relating to
- 147 affordable housing.

148 Section 5. Section **63I-1-235** is amended to read:

149 **63I-1-235. Repeal dates, Title 35A.**

- 150 (1) Subsection [35A-4-312](#)(5)(p) is repealed July 1, 2019.
- 151 (2) Title 35A, Chapter 8, Part [21](#), Commission on Housing Affordability, is repealed

152 July 1, 2023.

Legislative Review Note
Office of Legislative Research and General Counsel