

Date: 2-8-21

## **House Business and Labor Committee**

### **Bill: 3rd Sub. HB 82 Single-family Housing Modifications**

Sponsor: Rep. Ward

Floor Sponsor:

#### **UASD Position: Tracking**

This Bill: modifies provisions related to single-family housing.

Discussion: Rep. Ward said he would be speaking to the 3rd substitute. The changes were specifically requested by the League of Cities and Towns (the League). It clarifies that the provisions do not apply to townhomes or condominiums. It incorporates ways cities may restrict internal accessory dwelling units (ADUs) suggested by Rep. Dunnigan. It allows cities to require that the external appearance of the home be consistent with the preexisting structure. Cities may forbid the installation of a separate utility line. Cities may require the owner to obtain a license for the internal ADU. Rep. Ward spoke about the importance of homeowners' right to use their property as they wish. Rep. Dunnigan asked about how to address the unique needs of college towns. Rep. Ward said he's still willing to address that. Rep. Dunnigan said this may exacerbate the difficulty of enforcement in college towns. He asked about infrastructure. Rep. Ward noted that average family size and average water use per person have gone down. No one wants to overwhelm our infrastructure, but they also don't want to restrict property owners' rights. He expects not many people in a neighborhood will choose to do this. This bill is one way to slowly change our density, and there must be some way to do that without overwhelming our infrastructure. Rep. Ward said he's willing to keep discussing this. Rep. Dunnigan brought up low-income housing and cities with high density. Rep. Ward said he believes that if they could get the owner-occupied portion correct, that would make it easier to manage. Rep. Dunnigan asked if this infringes on cities' rights. Rep. Ward said that is the balance. Rep. Dunnigan said the cities are better suited to make these decisions.

Rep. Strong asked about what the license or permit might look like. Rep. Ward said some cities that do this require a \$90 per year permit. That cost goes to enforcement. Some cities are also concerned about short-term rentals. Rep. Strong asked what keeps a city from charging a high amount. Rep. Ward said fees cannot be set arbitrarily high; they have to cover the cost of maintaining the program. Rep. Musselman asked if the bill dictates that a city or municipality allow a duplex. Rep. Ward confirmed it does not. Rep. Musselman asked if it allows an owner to

rent any portion of their home when they are not present and living in the home. Rep. Ward confirmed it does not. Rep. Musselman asked if a duplex represents a different structure from a single-family dwelling with an ADU. Rep. Ward confirmed that is true. Rep. Musselman asked what restrictions a municipality is allowed when it comes to parking. Rep. Ward said a city may require an additional parking space, and if the ADU is made by converting a carport or garage, the homeowner must replace the parking spaces that were lost. Rep. Musselman asked if it requires that building codes and fire codes are met. Rep. Ward confirmed that. Rep. Musselman said that as he considers his neighborhood, he thinks it will be a small percentage who take advantage of this option.

Cameron Diehl spoke on behalf of the League. They are still opposed to the bill, even though it has been improved. The bill as currently drafted contemplates a one-size-fits-all approach to zoning, which is traditionally a function of local government. One size does not fit all. They have been in dialogue about the concerns of college towns. Cities plan the infrastructure for today's residents and tomorrow's residents very carefully. Finally, they need to be able to enforce that these homes are truly owner-occupied. Some of their recommendations have been included in the 3rd substitute. The 3rd substitute was adopted. Rep. Schultz said he has been working on this issue for years. Every time they are about to make a meaningful change, cities halt the process. Some cities do a great job, but some don't. It is false that sewer and water lines don't have the capacity. Most of them have less water flowing through them today than they did previously. He doesn't believe the state is overstepping its control by letting the homeowners decide. We have the lowest housing supply we have ever had, and it is going to get worse.

Yeas: 12

Nays: 2

N/V: 2

**Outcome: 3rd Sub. HB 82 passed with a favorable recommendation.**

**Bill: 1st Sub. HB 80 Data Security Amendments**

Sponsor: Rep. Brooks

Floor Sponsor:

**UASD Position: Tracking**

This Bill: creates affirmative defenses to certain causes of action arising out of a data breach.

Discussion: Rep. Brooks said he would be speaking to the 1st substitute. This bill is intended to protect customers' data. It incentivizes proactive protection of data, rather than just punishing data breaches. Jacey Skinner spoke on behalf of the Salt Lake Chamber in favor of the bill. Andrew Kingman spoke on behalf of the State Privacy and Security Coalition in support of the bill. The 1st substitute was adopted.

Yeas: 13

Nays: 0

N/V: 3

**Outcome: 1st Sub. HB 80 passed with a favorable recommendation.**

**Bill: 1st Sub. SB 33 Uniform Building Code Commission Amendments**

Sponsor: Sen. Bramble

Floor Sponsor: Rep. Schultz

**UASD Position: Support**

This Bill: amends provisions in Title 15A, State Construction and Fire Codes Act.

Discussion: Sen. Bramble explained that the bill adopts the 2020 edition of the National Electric Code, and updates state code to reference it. Rep. Schultz introduced the 1st substitute. It adjusts the Uniform Building Code Commission to add a residential architect, a residential contractor, an HVAC contractor, and a person from the building owner's association, among other changes. It will also give the state an extra year to adopt the national codes. They have worked with fire marshals on some other changes, and made changes on the electrical side to ground-fault circuit interrupter (GFCI) requirements. Kate Bradshaw spoke on behalf of the Independent Electrical Contractors Association and the National Electrical Contractors Association. She said that they are just beginning to review the 1st substitute. Kevin Emerson spoke on behalf of Utah Clean Energy. They support the original bill, but want the opportunity to fully review the 1st substitute. They are concerned that it unbalances the Uniform Building Code Commission. Ross Ford spoke on behalf of the Home Builders Association of Utah. He said the substitute doesn't address the issues with the GFCI requirements. Sen. Bramble said the 1st substitute has a lot of good in it.

Rep. Schultz said they worked with stakeholders to make sure they didn't have any major concerns. The 1st substitute was adopted.

Yeas: 14

Nays: 1

N/V: 1

**Outcome: 1st Sub. SB 33 passed with a favorable recommendation.**