

Date: 2-24-21

House Political Subdivisions Committee

Bill: HB 174, Municipal Instant Runoff Voting Amendments

Sponsor: Rep. Robertson

Floor Sponsor:

UASD Position: Tracking

This Bill: amends provisions relating to municipal instant runoff voting.

Discussion: This Bill gives a participating municipality the option of selecting different methods of conducting an election using instant runoff voting. If a municipality chooses instant runoff voting, notice must be sent to the Lt. Governor's Office by April 15th of the municipal election year. In most cases, county clerks run the election on behalf of the municipalities. The administration of instant runoff voting may be performed by the county clerks with existing equipment, while maintaining the security of each vote. The sponsor believes line 452-456 are very important because this process allows candidates to be narrowed down to as few as two individuals. The municipality has the choice to opt-in to this form of voting. The pilot program is only for municipal elections. The county clerks believe the language in the substitute Bill will make the pilot program easier to administer than the language in the original Bill. The Utah Municipal Clerks Association is neutral on this Bill. Some concerns were raised by Committee members regarding the possibility of confusing voters by changing voting methods every other year between municipal and general elections. A county clerk stated that municipalities in the same county choosing different methods of voting, will most likely create challenges for the county clerks because different instructions will need to be given to voters at the same location, but it is feasible. Representative Dunnigan is concerned that voters, who used ranked choice voting the prior year, may fill out a general election ballot as if it were ranked choice causing ballots to be rejected and votes to go uncounted. The 1st substitute HB 174 was not adopted by the Committee. A motion to hold the Bill passed.

Yeas: 6

Nays: 4

N/V: 0

Outcome: HB 174 was held in Committee.

Bill: HB 98, Local Government Building Regulation Amendments

Sponsor: Rep. Ray

Floor Sponsor:

UASD Position: Oppose

This Bill: amends provisions related to local government building regulation.

Discussion: This Bill only applies to one or two family dwellings or townhomes. Representative Ray testified that 1st substitute HB 98 is now a consensus Bill. Rep. Ray stated that a building inspection will still be allowed to be completed by a municipality as long as it is completed within the three day and 14 day timeframe in the current Code. If the home has not been inspected by the municipality in the 3 day and 14 day time period, a builder may hire and pay for their own inspection. Rep. Ray said this Bill came from a Washington DC group meant to find solutions to affordable housing issues led by Ben Carson. Representative Ray wanted to make it clear that the Bill was not brought to him by the Utah Home Builders Association. Taz Bessinger, lobbyist for the Utah Home Builders Association, testified that both the developers and the municipalities need to know what a complete application is so it is clear when the clock starts on the 14 day timeframe. He believes a completed application is clearly defined in the Bill. Mr. Bessinger said they may need to come back next year to make adjustments to the definition.

Rep. Kohler asked a number of questions of areas of concern to him. Requests for resubmittals of applications by the municipality will not be allowed under most circumstances. Geotechnical reports or geological reports are the only exceptions. Mr. Bessinger stated his belief that builders will address any redlines on the initial application on their own accord without being forced to with required resubmittals because the builders won't want to not fix a redlined problem after the home has been built due to increased cost.

Rep. Dunnigan asked about line 55 dealing with liability insurance. Municipal inspectors do not have to carry their own liability insurance. If an inspector works as a third-party inspector, individual liability insurance will be required. The amount of required insurance coverage is not specified in the Bill. Rep. Ray agreed to add a minimum amount of required liability insurance to the Bill. Mr. Dunnigan asked if townhomes are defined in the Bill. Mr. Bessinger said that defining townhomes in this Bill would be virtually impossible. He believes townhomes are fairly well defined in various places of the Building Code. Rep. Dunnigan wanted to make sure that a townhome cannot be a small apartment complex. He believes the language is ambiguous as to whether a townhome is attached or unattached. Rep. Dunnigan suggested DOPL create an approved pool of third-party building inspectors that may be hired by a builder if the municipality has not completed the inspection in the specified timeframe. Taz Bessinger said that

change has already been discussed and the Home Builders Association does not want that to occur. He claimed the builders are worried nepotism or favoritism could occur within DOPL in creating a pool of inspectors. He stated that having a license should be enough to qualify any third-party inspector. The underlying objective of this Bill was to allow a builder or home owner to immediately, upfront, request and pay for a private inspector. Rep. Ray stated that the compromise was to allow municipalities the 3 days required in current Code to inspect a home before hiring a private third-party inspector. Many Representatives stated that constituents and municipalities have contacted them with concerns about overreach in this Bill. Rep. Ray said the Utah League of Cities and Towns (“the League”) has been working closely with him and the Utah Home Builders Association to form a compromise. Rep. Ray said that if a municipality is does not get behind on inspections, a private third-party inspector will never be utilized. He believes this Bill will only impact the municipalities who delay inspecting homes by a week or more.

Public Comment: The Utah Home Builders Association is in support of the Bill. Gary Crane, representing Layton City and the League, testified of the work done to create a compromise on this Bill. Mr. Crane believes HB 98 speaks to the time periods the legislature put in place 2 years ago regarding inspections and submittals, with the exception of not allowing municipalities to require resubmittals prior to the inspection timeframe beginning. He stated that the design piece was concerning to municipalities, especially those with historic areas. Mr. Crane believes those concerns have been addressed in the substitute. He said cities and towns will wait and see if this legislation actually produces decreased housing prices. The League is neutral on the substitute Bill based on the totality of the work done to compromise. Cameron Diehl, also representing the League, testified before the Committee saying the League recognizes there is a housing crisis in the state. Data has been collected over the past year that shows 93% of cities were in compliance with statutory inspection deadlines. The design standard piece is challenging. The zoning and design requirements implemented by municipalities is important to their residents. Jake Garfield, with the Utah Association of Counties, stated that a lot of counties have concerns with HB 98. The requirement to resubmit of plans with redline areas corrected by the builder is very important. Under this Bill, the only way counties can require resubmittal is if the redlines are regarding geological issues. Counties are also very concerned with townhomes being included in this Bill. When townhomes are built without specific design elements, residents push back and seek to decrease the amount of dense housing allowed in their areas. Dan Reeves, VP of Perry Homes, spoke in favor of the Bill stating that the architectural requirements may help elected leaders because addressing home designs requirements is complicated and time consuming. Amy Fowler, Salt Lake City Council Chairwoman, addressed what she sees as an inadvertent consequence. Including that a historic districts must have been created by January 2021 to qualify for the design exemption creates huge disparities between east and west neighborhoods. Historic district creation takes a long time. Councilwoman Fowler used Rose Park as an example. Rose Park is platted to look like a rose and the streets are named after roses. This area on the west side of Salt Lake has not yet been declared a historic district. The inclusion of a date prevents historic areas from being protected if they aren’t already a designated historic district.

Greg Schulz, Administrator of Magna Metro Township, stated that Magna has areas in the process of being designated historic districts, but those areas design requirements won't be protected if this Bill were to pass. Mr. Schulz brought up concern for the natural disaster clause in this Bill. He stated that allowing repairs to be done without an initial inspection can be dangerous and urged that HB 98 be sent to interim study to work out the unintended consequences. Mike Ostermiller, lobbying on behalf of the Utah Association of Realtors, stated that realtors are passionate about supporting affordable housing. The Utah Association of Realtors believes this bill makes an incremental change that will make housing more attainable for Utah families. Trent Sorensen, Chief Building Official for the MSD, believes other items besides geotechnical reports need to be able to be addressed with municipalities being permitted to require plans be resubmitted. The language that exempts repairs from needing to be reviewed if the damage is caused by a natural disaster is very problematic because after work is completed there is no way for an inspector to verify it has been done correctly once it is covered with wall and flooring. This is a safety issue. Chris Gamvroulas, representing Ivory Homes and the Utah Property Rights Coalition, testified in support of the Bill. A Salt Lake City employee that represents communities and neighborhoods said the effective date for historic districts disproportionately affecting west side communities, which are predominantly communities of color. She believes this effective date disenfranchises minority populations and disproportionately decreases the value of property in west side neighborhoods because properties in historic districts maintain their value better during economic downturns and properties in historic districts increase in value faster than non-historic areas. Greg Baptist, who recently worked for an area fined by the EPA due to storm water regulation infractions, testified that if builders are not required to re-submit revised drawings, storm water regulations issues will be on a federal level will be the result. Mr. Baptist said most builders don't submit storm water plans with their first proposal. Mark Stratford, Deputy City Attorney for Ogden City, stated that he was part of the negotiation process for the substitute Bill. He stated that it is impossible to write a Bill that meets everybody's needs. He testified in favor of the January 2021 date in the language because he wants to prevent cities from using the creation of a historic district as a way to get around the design standard items in the Bill. Ogden City is neutral on the Bill.

Representative Dunnigan stated his concern regarding the narrow scope of the redline exceptions. Representative Kohler stated that he will support moving the substitute Bill out of Committee, but he wants to make sure inspections aren't circumvented. He will propose desired amendments to the sponsor once he has had a chance to read the substitute bill. Representative Quinn asked the sponsor to clarify the disaster repair issue brought up in public comment. Rep. Ray said the Magna earthquake caused issues because people had to spend money to update their trailer home foundation to meet current Code instead of being allowed to use a less expensive repair. In a verbal amendment, lines 690-691 were deleted in an effort to make sure a complete rebuild on a structure that was destroyed by a fire or explosion will need to follow the procedures of a new build. The 1st substitute and amendment 2 was adopted by the Committee. The

assumption was stated repeatedly by the builders that this Bill will increase available housing units and, therefore, decrease home prices. Although they all admit there is no way to guarantee the homes built without municipal inspections and required resubmittal of plans will be more affordable.

Yeas: 10

Nays: 0

N/V: 0

Outcome: 1st substitute HB 98, as amended, passed out of Committee with a favorable recommendation.