

Bountiful Legislative Priorities 2021

As of February 18, 2021

An asterisk (*) denotes a new bill this week

Underlined text shows changes from last week.

HB 82 3rd Substitute – Single Family Housing Modifications (Ray Ward) – This substitute bill requires cities to allow internal accessory dwelling units (ADUs; sometimes referred to as “mother-in-law apartments”) as a permitted use in single-family zones. The bill also prohibits HOAs from restricting ADUs. The bill further allows a municipality to require one additional parking spot. Rep. Ward’s bill makes welcome clarifications to the building code and creates a state program to guarantee certain loans for ADUs. Despite the benefits, this bill prohibits cities from regulating the location or size of ADUs, eliminates the opportunity for neighbors to provide input via public hearings, and takes away local decision-making authority. Representative Ward is working in good faith with the ULCT to incorporate changes that would make the bill better. This bill passed out of committee with a favorable recommendation. Position: **Oppose unless amended**

HB 98 – Local Government Building Regulation Amendments (Paul Ray) – This bill would allow a developer/homebuilder to hire their own certified building inspector and plan reviewer (even their own employee) in lieu of being required to use a municipality’s building inspector or plan review process. Local government building inspectors and planners ensure that buildings are constructed safely and act as an independent third-party to protect the eventual homeowner. The bill also preempts cities from having any kind of design standard on new residential construction. The ULCT and the bill proponents (primarily the homebuilders association) are negotiating on addressing response time to plans and inspections. This bill is in House committee. **Oppose**

SB 18 – Property Tax Exemptions (Wayne Harper) – This proposal would increase the tax exemption on personal property from \$15,000 to \$25,000. (the original bill was a \$50,000 exemption) Tangible personal property is generally equipment, machinery, or furniture used in business. The impact of this new amendment reduces the fiscal impact on cities considerably but is still an erosion of our tax base. This bill is in committee. **Oppose**

SB 52 2nd Substitute– Property Tax Deferral Modifications (Lincoln Fillmore) – Senator Fillmore’s proposal would allow a homeowner to defer paying property taxes if they are over 70 years old, have owned the home for at least 15 years, and have an income not to exceed 200% of the income certified to the homeowner’s credit. The deferral would show up as a lean on

the home until the property is sold or the homeowner passes away, at which point all past taxes would be due. The impact on a city, county, school district would be considerable, and the lack of revenue would require a tax increase. In addition, the burden of paying the taxes would be left to the family or trust, likely resulting in higher home prices impacting housing affordability. This bill has passed the Senate and is now in the House. **Oppose**

***SB 61 – Outdoor Advertising Amendments (Scott Sandall)** - This bill preempts local authority to regulate the conversion of billboards to electronic billboards. In brief, if a City allows an on-premise electronic sign (such as an information board at a grocery store), it must allow any billboard in that same zone to be upgraded to digital, irrespective of height, size, or location in a residential neighborhood. **Oppose**

SB 65 – Community Reinvestment Agency Amendments (Wayne Harper) - This bill gives cities an additional tool for redevelopment. The proposal would let a city, at the end of life of its RDA, convert the tax increment into a dedicated property tax rate for economic development. Other taxing entities could participate on a voluntary basis. The tool is voluntary and does not preclude a city from renegotiating an extension to the RDA instead. This bill passed out of committee with a favorable recommendation. **Support**

SB 104 – Tax Levy for Animal Control (Todd Weiler) – This bill will allow a county to create a property tax levy specifically for animal care and control. The new tax must be offset with a corresponding reduction in the general property tax rate by both county and cities so there is no initial tax impact on residents. This bill is being sponsored by Senator Weiler at the request of Davis County and every city in the County (including Bountiful) to provide a stable revenue source and transparency for improved animal care services in the County. This has passed the Senate. **Support**

SB 164 – Utah Housing Affordability Amendments (Jake Anderegg) – This bill is intended to reflect the recommendations made by the Housing Affordability Task Force, which met throughout the year and includes representatives of the development community, housing advocates, legislators, and three local government reps. The bill includes at least two provisions that are supported by the development community without consensus from the groups. These two items are problematic, and do not actually help the affordability of homes. The first is a restriction on inclusionary zoning (a tool Bountiful does not use, but other cities employ to build affordable housing). The second is a requirement to base development fees (plan check, inspection, application fees, etc.) on “no more than the estimated actual cost” of the service instead of a “reasonable estimation” of costs. Cities would be required to track each type of fee in a separate account, and categorize them by the year they were received, the

project from which they were collected, the project for which the funds are budgeted, and the date for expected expenditure. The report is then submitted to the state auditor annually. The administrative burden of these requirements alone will increase the cost of development fees.

Oppose unless amended.