

Superseded 5/12/2015

13-43-203 Office of the Property Rights Ombudsman -- Duties.

- (1)
 - (a) The Office of the Property Rights Ombudsman shall:
 - (i) develop and maintain expertise in and understanding of takings, eminent domain, and land use law;
 - (ii) clearly identify the specific information that is prepared for distribution to property owners whose land is being acquired under the provisions of Section 78B-6-505;
 - (iii) assist state agencies and local governments in developing the guidelines required by Title 63L, Chapter 4, Constitutional Takings Issues Act;
 - (iv) at the request of a state agency or local government, assist the state agency or local government, in analyzing actions with potential takings implications or other land use issues;
 - (v) advise real property owners who:
 - (A) have a legitimate potential or actual takings claim against a state or local government entity or have questions about takings, eminent domain, and land use law; or
 - (B) own a parcel of property that is landlocked, as to the owner's rights and options with respect to obtaining access to a public street;
 - (vi) identify state or local government actions that have potential takings implications and, if appropriate, advise those state or local government entities about those implications; and
 - (vii) provide information to private citizens, civic groups, government entities, and other interested parties about takings, eminent domain, and land use law and their rights, including a right to just compensation, and responsibilities under the takings, eminent domain, or land use laws through seminars and publications, and by other appropriate means.
 - (b) The Office of the Property Rights Ombudsman shall:
 - (i) provide the information described in Section 78B-6-505 on its website in a form that is easily accessible; and
 - (ii) ensure that the information is current.
- (2) The Office of the Property Rights Ombudsman may not represent private property owners, state agencies, or local governments in court or in adjudicative proceedings under Title 63G, Chapter 4, Administrative Procedures Act.
- (3) No member of the Office of the Property Rights Ombudsman nor a neutral third party rendering an advisory opinion under Section 13-43-205 or 13-43-206, may be compelled to testify in a civil action filed concerning the subject matter of any review, mediation, or arbitration by, or arranged through, the office.
- (4)
 - (a) Except as provided in Subsection (4)(b), evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action.
 - (b) Subsection (4)(a) does not apply to:
 - (i) actions brought under authority of Title 78A, Chapter 8, Small Claims Courts;
 - (ii) a judicial confirmation or review of the arbitration itself as authorized in Title 78B, Chapter 11, Utah Uniform Arbitration Act;
 - (iii) actions for de novo review of an arbitration award or issue brought under the authority of Subsection 13-43-204(3)(a)(i); or
 - (iv) advisory opinions provided for in Sections 13-43-205 and 13-43-206.