

Effective 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 Taking 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)
 - (a) Neither the Office of the Property Rights Ombudsman nor its individual attorneys may represent private parties, state agencies, local governments, or any other individual or entity in a legal action that arises from or relates to a matter addressed in this chapter.
 - (b) An action by an attorney employed by the Office of the Property Rights Ombudsman, by a neutral third party acting as mediator or arbitrator under Section 13-43-204, or by a neutral third party rendering an advisory opinion under Section 13-43-205 or 13-43-206, taken within the scope of the duties set forth in this chapter, does not create an attorney-client relationship between the Office of the Property Rights Ombudsman, or the office's attorneys or appointees, and an individual or entity.
- (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.

Amended by Chapter 75, 2015 General Session