

1 **Housing Attainability Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen L. Whyte**

Senate Sponsor: Lincoln Fillmore

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to affordable housing.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ provides that a closed meeting may be held under certain circumstances by a political
- 10 subdivision;
- 11 ▶ repeals the sunset date for the Utah Housing Corporation; and
- 12 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **52-4-205**, as last amended by Laws of Utah 2024, Chapters 135, 288, 506, and 524

20 **63H-8-201**, as last amended by Laws of Utah 2024, Chapter 443

21 **63I-1-263**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4

22 **63L-12-101**, as enacted by Laws of Utah 2022, Chapter 406

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **52-4-205** is amended to read:

26 **52-4-205 . Purposes of closed meetings -- Certain issues prohibited in closed**  
 27 **meetings.**

28 (1) A closed meeting described under Section 52-4-204 may only be held for:

- 29 (a) except as provided in Subsection (3), discussion of the character, professional
- 30 competence, or physical or mental health of an individual;

- 31 (b) strategy sessions to discuss collective bargaining;
- 32 (c) strategy sessions to discuss pending or reasonably imminent litigation;
- 33 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,  
34 including any form of a water right or water shares, or to discuss a proposed  
35 development agreement, project proposal, or financing proposal related to the  
36 development of land owned by the state or a political subdivision, if public  
37 discussion would:
- 38 (i) disclose the appraisal or estimated value of the property under consideration; or  
39 (ii) prevent the public body from completing the transaction on the best possible  
40 terms;
- 41 (e) strategy sessions to discuss the sale of real property, including any form of a water  
42 right or water shares, if:
- 43 (i) public discussion of the transaction would:
- 44 (A) disclose the appraisal or estimated value of the property under consideration;  
45 or  
46 (B) prevent the public body from completing the transaction on the best possible  
47 terms;
- 48 (ii) the public body previously gave public notice that the property would be offered  
49 for sale; and
- 50 (iii) the terms of the sale are publicly disclosed before the public body approves the  
51 sale;
- 52 (f) discussion regarding deployment of security personnel, devices, or systems;
- 53 (g) investigative proceedings regarding allegations of criminal misconduct;
- 54 (h) as relates to the Independent Legislative Ethics Commission, conducting business  
55 relating to the receipt or review of ethics complaints;
- 56 (i) as relates to an ethics committee of the Legislature, a purpose permitted under [  
57 ~~Subsection 52-4-204(1)(a)(iii)(C)] Section 52-4-204;~~
- 58 (j) as relates to the Independent Executive Branch Ethics Commission created in Section  
59 63A-14-202, conducting business relating to an ethics complaint;
- 60 (k) as relates to a county legislative body, discussing commercial information as defined  
61 in Section 59-1-404;
- 62 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed  
63 board of directors, discussing fiduciary or commercial information;
- 64 (m) deliberations, not including any information gathering activities, of a public body

- 65 acting in the capacity of:
- 66 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,  
67 during the process of evaluating responses to a solicitation, as defined in Section  
68 63G-6a-103;
- 69 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a  
70 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
- 71 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement  
72 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part  
73 17, Procurement Appeals Board;
- 74 (n) the purpose of considering information that is designated as a trade secret, as defined  
75 in Section 13-24-2, if the public body's consideration of the information is necessary  
76 to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement  
77 Code;
- 78 (o) the purpose of discussing information provided to the public body during the  
79 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the  
80 time of the meeting:
- 81 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be  
82 disclosed to a member of the public or to a participant in the procurement process;  
83 and
- 84 (ii) the public body needs to review or discuss the information to properly fulfill its  
85 role and responsibilities in the procurement process;
- 86 (p) as relates to the governing board of a governmental nonprofit corporation, as that  
87 term is defined in Section 11-13a-102, the purpose of discussing information that is  
88 designated as a trade secret, as that term is defined in Section 13-24-2, if:
- 89 (i) public knowledge of the discussion would reasonably be expected to result in  
90 injury to the owner of the trade secret; and
- 91 (ii) discussion of the information is necessary for the governing board to properly  
92 discharge the board's duties and conduct the board's business;
- 93 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to  
94 review confidential information regarding violations and security requirements in  
95 relation to the operation of cannabis production establishments;
- 96 (r) considering a loan application, if public discussion of the loan application would  
97 disclose:
- 98 (i) nonpublic personal financial information; or

- 99 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business  
100 financial information the disclosure of which would reasonably be expected to  
101 result in unfair competitive injury to the person submitting the information;
- 102 (s) a discussion of the board of the Point of the Mountain State Land Authority, created  
103 in Section 11-59-201, regarding a potential tenant of point of the mountain state land,  
104 as defined in Section 11-59-102; or
- 105 (t) a purpose for which a meeting is required to be closed under Subsection (2).
- 106 (2) The following meetings shall be closed:
- 107 (a) a meeting of the Health and Human Services Interim Committee to review a report  
108 described in Subsection 26B-1-506(1)(a), and a response to the report described in  
109 Subsection 26B-1-506(2);
- 110 (b) a meeting of the Child Welfare Legislative Oversight Panel to:
- 111 (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the  
112 report described in Subsection 26B-1-506(2); or
- 113 (ii) review and discuss an individual case, as described in [~~Subsection 36-33-103(2)~~]  
114 Section 36-33-103;
- 115 (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose  
116 of advising the Natural Resource Conservation Service of the United States  
117 Department of Agriculture on a farm improvement project if the discussed  
118 information is protected information under federal law;
- 119 (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the  
120 purpose of reviewing petitions for a medical cannabis card in accordance with  
121 Section 26B-1-421;
- 122 (e) a meeting of the Colorado River Authority of Utah if:
- 123 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water  
124 in the Colorado River system; and
- 125 (ii) failing to close the meeting would:
- 126 (A) reveal the contents of a record classified as protected under Subsection  
127 63G-2-305(81);
- 128 (B) reveal a legal strategy relating to the state's claim to the use of the water in the  
129 Colorado River system;
- 130 (C) harm the ability of the Colorado River Authority of Utah or river  
131 commissioner to negotiate the best terms and conditions regarding the use of  
132 water in the Colorado River system; or

- 133 (D) give an advantage to another state or to the federal government in negotiations  
134 regarding the use of water in the Colorado River system;
- 135 (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:  
136 (i) the purpose of the meeting is to discuss an application for participation in the  
137 regulatory sandbox as defined in Section 63N-16-102; and  
138 (ii) failing to close the meeting would reveal the contents of a record classified as  
139 protected under Subsection 63G-2-305(82); and
- 140 (g) a meeting of a project entity if:  
141 (i) the purpose of the meeting is to conduct a strategy session to discuss market  
142 conditions relevant to a business decision regarding the value of a project entity  
143 asset if the terms of the business decision are publicly disclosed before the  
144 decision is finalized and a public discussion would:  
145 (A) disclose the appraisal or estimated value of the project entity asset under  
146 consideration; or  
147 (B) prevent the project entity from completing on the best possible terms a  
148 contemplated transaction concerning the project entity asset;
- 149 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could  
150 cause commercial injury to, or confer a competitive advantage upon a potential or  
151 actual competitor of, the project entity;
- 152 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of  
153 which could cause commercial injury to, or confer a competitive advantage upon a  
154 potential or actual competitor of, the project entity; or
- 155 (iv) failing to close the meeting would prevent the project entity from getting the best  
156 price on the market.
- 157 (3) In a closed meeting, a public body may not:  
158 (a) interview a person applying to fill an elected position;  
159 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,  
160 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in  
161 Elected Office; or  
162 (c) discuss the character, professional competence, or physical or mental health of the  
163 person whose name was submitted for consideration to fill a midterm vacancy or  
164 temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and  
165 Vacancy and Temporary Absence in Elected Office.
- 166 Section 2. Section **63H-8-201** is amended to read:

167           **63H-8-201 . Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**  
 168 **Quorum -- Per diem and expenses -- Annual conflict of interest disclosure statement --**  
 169 **Penalties.**

170 (1)(a) There is created an independent body politic and corporate, constituting a public  
 171 corporation, known as the "Utah Housing Corporation."

172 (b) The corporation may also be known and do business as the:

173 (i) Utah Housing Finance Association; and

174 (ii) Utah Housing Finance Agency in connection with a contract entered into when  
 175 that was the corporation's legal name.

176 (c) No other entity may use the names described in Subsections (1)(a) and (b) without  
 177 the express approval of the corporation.

178 (2) The corporation is governed by a board of trustees composed of the following nine  
 179 trustees:

180 (a) the executive director of the Department of Workforce Services or the executive  
 181 director's designee;

182 (b) the commissioner of the Department of Financial Institutions or the commissioner's  
 183 designee;

184 (c) the state treasurer or the treasurer's designee; and

185 (d) six public trustees, who are private citizens of the state, as follows:

186 (i) two people who represent the mortgage lending industry;

187 (ii) two people who represent the home building and real estate industry; and

188 (iii) two people who represent the public at large.

189 (3) The governor shall:

190 (a) appoint the six public trustees of the corporation with the advice and consent of the  
 191 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and

192 (b) ensure that[;]

193 [(i)] among the six public trustees[-are from different counties-] , no more than two  
 194 are from the same county and all are residents of the state[; and]

195 [(ii) ~~not more than three of the public trustees are members of the same political party~~].

196 (4)(a) Except as required by Subsection (4)(b), the governor shall appoint the six public  
 197 trustees to terms of office of four years each.

198 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
 199 time of appointment or reappointment, adjust the length of terms to ensure that the  
 200 terms of corporation trustees are staggered so that approximately half of the board is

- 201 appointed every two years.
- 202 (5)(a) A public trustee of the corporation may be removed from office for cause either  
203 by the governor or by an affirmative vote of six trustees of the corporation.
- 204 (b) When a vacancy occurs in the board of trustees for any reason, the replacement shall  
205 be appointed for the unexpired term.
- 206 (c) A public trustee shall hold office for the term of appointment and until the trustee's  
207 successor has been appointed and qualified.
- 208 (d) A public trustee is eligible for reappointment but may not serve more than two full  
209 consecutive terms.
- 210 (6)(a) The governor shall select the chair of the corporation.
- 211 (b) The trustees shall elect from among their number a vice chair and other officers they  
212 may determine.
- 213 (7)(a) Five trustees of the corporation constitute a quorum for transaction of business.
- 214 (b) An affirmative vote of at least five trustees is necessary for any action to be taken by  
215 the corporation.
- 216 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise  
217 all rights and perform all duties of the corporation.
- 218 (8) A trustee may not receive compensation or benefits for the trustee's service, but may  
219 receive per diem and travel expenses in accordance with:
- 220 (a) Section 63A-3-106;
- 221 (b) Section 63A-3-107; and
- 222 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
223 63A-3-107.
- 224 (9) A trustee shall, no sooner than January 1 and no later than January 31 of each year  
225 during which the trustee holds office on the board of trustees:
- 226 (a) prepare a written conflict of interest disclosure statement that contains a response to  
227 each item of information described in Subsection 20A-11-1604(6); and
- 228 (b) submit the written disclosure statement to the administrator or clerk of the board of  
229 trustees.
- 230 (10)(a) No later than 10 business days after the date on which the trustee submits the  
231 written disclosure statement described in Subsection (9) to the administrator or clerk  
232 of the board of trustees, the administrator or clerk shall:
- 233 (i) post a copy of the written disclosure statement on the corporation's website; and  
234 (ii) provide the lieutenant governor with a link to the electronic posting described in

- 235 Subsection (10)(a)(i).
- 236 (b) The administrator or clerk shall ensure that the trustee's written disclosure statement  
237 remains posted on the corporation's website until the trustee leaves office.
- 238 (11) The administrator or clerk of the board of trustees shall take the action described in  
239 Subsection (12) if:
- 240 (a) a trustee fails to timely file the written disclosure statement described in Subsection  
241 (9); or
- 242 (b) a submitted written disclosure statement does not comply with the requirements of  
243 Subsection 20A-11-1604(6).
- 244 (12) If a circumstance described in Subsection (11) occurs, the administrator or clerk of the  
245 board of trustees shall, within five days after the day on which the administrator or clerk  
246 determines that a violation occurred, notify the trustee of the violation and direct the  
247 trustee to submit an amended written disclosure statement correcting the problem.
- 248 (13)(a) It is unlawful for a trustee to fail to submit or amend a written disclosure  
249 statement within seven days after the day on which the trustee receives the notice  
250 described in Subsection (12).
- 251 (b) A trustee who violates Subsection (13)(a) is guilty of a class B misdemeanor.
- 252 (c) The administrator or clerk of the board of trustees shall report a violation of  
253 Subsection (13)(a) to the attorney general.
- 254 (d) In addition to the criminal penalty described in Subsection (13)(b), the administrator  
255 or clerk of the board of trustees shall impose a civil fine of \$100 against a member  
256 who violates Subsection (13)(a).
- 257 (14) The administrator or clerk of the board shall deposit a fine collected under this section  
258 into the corporation's account to pay for the costs of administering this section.
- 259 (15) In addition to the written disclosure statement described in Subsection (9), a trustee  
260 described in Subsection (2)(d) shall also comply with the conflict of interest provisions  
261 described in Section 63G-24-301.

262 Section 3. Section **63I-1-263** is amended to read:

263 **63I-1-263 . Repeal dates: Titles 63A to 63O.**

264 [~~(1) Subsection 63A-5b-405(5), regarding prioritizing and allocating capital improvement~~  
265 ~~funding, is repealed July 1, 2024.]~~

266 [~~(2) (1) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July~~  
267 ~~1, 2028.~~]

268 [~~(3) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.]~~



- 269 ~~[(4)]~~ (2) Title 63C, Chapter 18, Behavioral Health Crisis Response Committee, is repealed  
 270 December 31, 2026.
- 271 ~~[(5) Title 63C, Chapter 23, Education and Mental Health Coordinating Committee, is  
 272 repealed December 31, 2024.]~~
- 273 ~~[(6)]~~ (3) Title 63C, Chapter 25, State Finance Review Commission, is repealed July 1, 2027.
- 274 ~~[(7)]~~ (4) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 275 ~~[(8)]~~ (5) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 276 ~~[(9)]~~ (6) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed  
 277 July 1, 2028.
- 278 ~~[(10)]~~ (7) Section 63G-6a-805, Purchase from community rehabilitation programs, is  
 279 repealed July 1, 2026.
- 280 ~~[(11)]~~ (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
 281 2028.
- 282 ~~[(12)]~~ (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July  
 283 1, 2029.
- 284 ~~[(13) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.]~~
- 285 ~~[(14)]~~ (10) Subsection 63J-1-602.2(16), related to the Communication Habits to reduce  
 286 Adolescent Threats (CHAT) Pilot Program, is repealed July 1, 2029.
- 287 ~~[(15) Subsection 63J-1-602.2(26), regarding the Utah Seismic Safety Commission, is  
 288 repealed January 1, 2025.]~~
- 289 ~~[(16)]~~ (11) Section 63L-11-204, Canyon resource management plan, is repealed July 1, 2025.
- 290 ~~[(17)]~~ (12) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee,  
 291 is repealed July 1, 2027.
- 292 ~~[(18)]~~ (13) Title 63M, Chapter 7, Part 7, Domestic Violence Offender Treatment Board, is  
 293 repealed July 1, 2027.
- 294 ~~[(19)]~~ (14) Section 63M-7-902, Creation -- Membership -- Terms -- Vacancies -- Expenses,  
 295 is repealed July 1, 2029.
- 296 ~~[(20)]~~ (15) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 297 ~~[(21)]~~ (16) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is  
 298 repealed January 1, 2030.
- 299 ~~[(22)]~~ (17) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 300 ~~[(23)]~~ (18) Subsection 63N-2-511(1)(b), regarding the Board of Tourism Development, is  
 301 repealed July 1, 2025.
- 302 ~~[(24)]~~ (19) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.

- 303 [~~(25)~~] (20) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is  
 304 repealed July 1, 2027.
- 305 [~~(26)~~] (21) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is  
 306 repealed July 1, 2025.
- 307 [~~(27)~~] (22) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
 308 July 1, 2028.
- 309 [~~(28)~~] (23) Section 63N-4-804, which creates the Rural Opportunity Advisory Committee, is  
 310 repealed July 1, 2027.
- 311 [~~(29)~~] (24) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion  
 312 Program, is repealed July 1, 2028.
- 313 [~~(30)~~] (25) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is  
 314 repealed July 1, 2025.
- 315 [~~(31)~~] (26) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of  
 316 Tourism to receive approval from the Board of Tourism Development, is repealed July  
 317 1, 2025.
- 318 [~~(32)~~] (27) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1,  
 319 2025.

320 Section 4. Section **63L-12-101** is amended to read:

321 **63L-12-101 . Definitions.**

322 As used in this chapter:

323 (1) "Governmental entity" means:

- 324 (a) an agency, as that term is defined in Section 63G-10-102;  
 325 (b) the School and Institutional Trust Lands Administration created in Section 53C-1-201;  
 326 (c) the School and Institutional Trust Lands Board of Trustees created in Section  
 327 53C-1-202; or  
 328 (d) a political subdivision, as that term is defined in Section 63L-11-102.

329 (2) "Grant" means to:

- 330 (a) convey, in whole or in part, with or without consideration; or  
 331 (b) to contract or partner with an entity for the development of moderate income housing.

332 [~~(2)~~] (3) "Moderate income housing" means housing occupied or reserved for occupancy by  
 333 households with a gross household income equal to or less than 80% of the median gross  
 334 income for households of the same size in the county in which the housing is located.

335 [~~(3)~~] (4) "Municipality" means the same as that term is defined in Section 10-1-104.

336 Section 5. **Effective Date.**

337 This bill takes effect on May 7, 2025.