

1 **OPTIONAL COUNTY AFFORDABLE HOUSING**

2 **FUNDS ACT**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Karen Hale**

6 AN ACT RELATING TO COUNTIES; AUTHORIZING COUNTIES TO INCREASE
7 RECORDER FEES TO FUND AFFORDABLE HOUSING PROGRAMS OR PROJECTS; AND
8 MAKING TECHNICAL CHANGES.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **21-2-3**, as last amended by Chapter 79, Laws of Utah 1996

12 ENACTS:

13 **17-15-28**, Utah Code Annotated 1953

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

15 Section 1. Section **17-15-28** is enacted to read:

16 **17-15-28. Increase of recorder fees -- Use of funds for affordable housing.**

17 (1) For purposes of this section, "affordable housing" has the same meaning as provided
18 in Section 11-38-102.

19 (2) (a) Subject to Subsection (2)(b), a county legislative body may increase the fees
20 charged under Section 21-2-3 by a county recorder for recording deeds, mortgages, and trust deeds.

21 (b) No increase under Subsection (2)(a) may result in a total fee for recording deeds,
22 mortgages, or trust deeds that is more than twice the amount of the fee in effect on May 1, 2000.

23 (3) Funds raised from an increase under Subsection (2) shall be dedicated to fund
24 affordable housing in the county.

25 Section 2. Section **21-2-3** is amended to read:

26 **21-2-3. Fees of county recorder.**

27 (1) [The] Subject to Section 17-15-28, the county recorder shall receive the following fees:

28 (a) for receiving, entering, and filing any instrument, paper, or notice, not otherwise
29 provided for, other than bonds of public officers, \$10;

30 (b) for recording any instrument, paper, or notice, including those provided for under Title
31 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise provided
32 for, \$10 for the first page, if the page is not larger than 8 1/2 inches x 14 inches in size, and \$2 for
33 each additional page, and if any instrument, paper, or notice contains more than one description,
34 \$1 for each additional description;

35 (c) for recording any instrument in which a right-of-way is described, which is connected
36 with or is appurtenant to any tract of land described in the instrument, \$1, but if the instrument
37 contains a description of more than one right-of-way, \$1 for each additional right-of-way, and if
38 any instrument contains more than two names for either first or second party, or plaintiffs or
39 defendants, for each additional name, \$1;

40 (d) for recording, indexing, and abstracting mining location notices, and recording,
41 indexing, and abstracting affidavits of labor affecting mining claims, \$10 for the first page if that
42 page is not larger than 8 1/2 inches by 14 inches in size, and \$2 for each additional page; and

43 (e) for a location notice, affidavit, or proof of labor which contains names of more than
44 two signers, \$1 for each additional name, and for an affidavit or proof of labor which contains
45 more than one mining claim, \$1 for each additional mining claim.

46 (2) (a) Each county recorder shall record the mining rules of the several mining districts
47 in each county without fee.

48 (b) Certified copies of these records shall be received in all tribunals and before all officers
49 of this state as prima facie evidence of the rules.

50 (3) The county recorder shall receive the following fees:

51 (a) for copies of any record or paper, a reasonable fee determined and set by the county
52 legislative body;

53 (b) for each certificate under seal, \$2;

54 (c) for recording any plat of a subdivision into lots and blocks, \$1 for each lot, and \$30 for
55 each sheet;

56 (d) for recording any other plat or map, \$30 for each sheet and \$1 for each lot or unit
57 designation;

58 (e) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2 for

- 59 each additional name;
- 60 (f) for recording any license issued by the Division of Occupational and Professional
- 61 Licensing, \$10;
- 62 (g) for filing of federal tax lien, \$10, and for the discharge of the lien, \$10;
- 63 (h) for copies of microfilm, a charge per lineal foot as fixed by the county governing body,
- 64 not to exceed the cost of reproduction of the film plus 10%; and
- 65 (i) for all services not enumerated in this section, a reasonable compensation.

Legislative Review Note
as of 2-11-00 1:39 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel