

1                   **OPTIONAL COUNTY AFFORDABLE HOUSING**

2                               **FUNDS ACT**

3                                       2002 GENERAL SESSION

4                                       STATE OF UTAH

5                               **Sponsor: Karen Hale**

6   **This act modifies provisions related to Counties to authorize counties to increase recorder**  
7   **fees to fund affordable housing programs and projects. The act makes technical changes.**

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

9   AMENDS:

10           **17-21-18.5**, as renumbered and amended by Chapter 46 and last amended by Chapter 241,  
11   Laws of Utah 2001

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 17-21-18.5 by a county recorder for recording deeds, mortgages, and trust  
21   deeds.

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

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

26           Section 2. Section **17-21-18.5** is amended to read:

27           **17-21-18.5. Fees of county recorder.**



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

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

(b) for recording any instrument, paper, or notice, including those provided for under Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise provided 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 each additional page, and if any instrument, paper, or notice contains more than one description, \$1 for each additional description;

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

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

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

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

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

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

(a) for copies of any record or document, a reasonable fee as determined by the county legislative body;

(b) for each certificate under seal, \$5;

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

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

- 59           (e) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2 for  
60 each additional name;  
61           (f) for recording any license issued by the Division of Occupational and Professional  
62 Licensing, \$10;  
63           (g) for filing of federal tax lien, \$10, and for the discharge of the lien, \$10; and  
64           (h) for all services not enumerated in this section, a reasonable compensation.
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**Legislative Review Note**  
**as of 1-8-02 10:41 AM**

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

**Office of Legislative Research and General Counsel**