

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE**
Room 223 - State Capitol Building
February 25, 2004

COMMITTEE MEMBERS: Rep. Kory M. Holdaway, Chair
Rep. Roger E. Barrus, Vice Chair
Rep. Ralph Becker
Rep. Duane E. Bourdeaux
Rep. D. Gregg Buxton
Rep. Brad L. Dee
Rep. Carl W. Duckworth
Rep. Ann W. Hardy
Rep. David L. Hogue
Rep. Joseph G. Murray

STAFF PRESENT: Joseph Wade, Policy Analyst
Karen Holt, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Vice-chair Barrus called the meeting to order at 8:07 a.m.

Motion: Rep. Hogue made a motion to approve the minutes of February 20, 2004. The motion passed unanimously, with Rep. Bourdeaux absent for the vote.

Motion: Rep. Duckworth made a motion to approve the minutes of February 23, 2004, with the following correction: The vote on 1st Substitute H.B. 140, Child and Family Services and Related Judicial Code Amendments, was **6-4-0**, with a favorable recommendation. The motion to approve the minutes passed unanimously with Rep. Bourdeaux absent for the vote.

SB0184 **Interlocal Cooperation Act Amendments** (*Sen. G. Bell*)

Senator Bell introduced the bill.

Motion: Rep. Murray moved that the committee report a favorable recommendation on S.B. 184. The motion passed unanimously with a vote of **9-0-1**, with Rep. Bourdeaux absent for the vote.

Motion: Rep. Holdaway made a motion to place S.B. 184 on the Consent Calendar. The motion passed unanimously with a vote of **9-0-1**, with Rep. Bourdeaux absent for the vote.

HB0281 Toxic Mold Disclosure (*Rep. D. Hogue*)

Motion: Rep. Hogue made a motion to delete in title and body H.B. 281 and to replace it with 1st Substitute H.B. 281. The motion passed unanimously with a vote of **7-0-3**, with Rep. Bourdeaux, Buxton and Dee absent for the vote.

Rep. Hogue introduced the substitute bill.

Chris Kyler, Utah Association of Realtors, spoke to the bill.

John Fay, Utah Trial Lawyers Association, spoke for the bill.

Dr. Dick Melton, Deputy Director, Utah Department of Health, spoke for the bill.

Taz Beisinger, Utah Home Builders, spoke to the bill.

Motion: Rep. Holdaway moved to adopt the following amendments:

1. *Page 1, Lines 8 through 9:*

8 This bill enacts provisions within the Utah Health Code [[~~and the Utah Fit Premises Act~~]]

9 related to mold.

2. *Page 1, Lines 15 through 17:*

15 the Legislature [[~~and~~

16 → ~~requires an owner to make a disclosure to a renter or prospective renter~~
 regarding

17 mold in a rental unit]] .

3. *Page 1, Lines 23 through 24:*

23 [[~~AMENDS:~~

24 — ~~57-22-2, as enacted by Chapter 314, Laws of Utah 1990~~]]

4. *Page 2, Line 30:*

30 [[~~57-22-4.2, Utah Code Annotated 1953~~]]

5. *Page 3, Line 72 through Page 4, Line 103:*

72 [[~~Section 5. Section 57-22-2 is amended to read:~~

73 — ~~57-22-2. Definitions.~~

74 — ~~As used in this chapter:~~

75 — ~~(1) "Mold" is as defined in Section 26-48-102.~~

76 — ~~[(1)](2) "Owner" means the owner, lessor, or sublessor of a residential rental unit.~~

—A

77 ~~managing agent, leasing agent, or resident manager is considered an owner for~~
78 ~~purposes of~~
79 ~~notice and other communication required or allowed under this chapter unless the~~
80 ~~agent or~~
81 ~~manager specifies otherwise in writing in the rental agreement.~~
82 ~~— [(2)] (3) "Rental agreement" means any agreement, written or oral, which~~
83 ~~establishes or~~
84 ~~modifies the terms, conditions, rules, or any other provisions regarding the use and~~
85 ~~occupancy~~
86 ~~of a residential rental unit.~~
87 ~~— [(3)] (4) "Renter" means any person entitled under a rental agreement to occupy~~
88 ~~a~~
89 ~~residential rental unit to the exclusion of others.~~
90 ~~— [(4)] (5) "Residential rental unit" means a renter's principal place of residence and~~
91 ~~includes the appurtenances, grounds, and facilities held out for the use of the residential~~
92 ~~renter~~
93 ~~generally, and any other area or facility provided to the renter in the rental agreement.~~
94 ~~It does~~
95 ~~not include facilities contained in a boarding or rooming house or similar facility,~~
96 ~~mobile home~~
97 ~~lot, or recreational property rented on an occasional basis.~~
98 ~~— Section 6. Section 57-22-4.2 is enacted to read:~~
99 ~~— 57-22-4.2. Owner's duties -- Mold -- Civil action.~~
100 ~~— (1) An owner shall comply with Subsection (2) if the owner knows that a~~
101 ~~residential~~
102 ~~rental unit contains visible mold.~~
103 ~~— (2) An owner described in Subsection (1) shall provide written notice to:~~
104 ~~— (a) a prospective renter prior to entering into a rental agreement; and~~
105 ~~— (b) a renter within five calendar days after the owner becomes aware of a~~
106 ~~condition~~
107 ~~described in Subsection (1).~~
108 ~~— (3) This section does not require an owner to conduct tests to determine whether~~
109 ~~a~~
110 ~~rental unit contains visible mold.~~
111 ~~— (4) (a) A renter may bring an action against an owner for a violation of this~~
112 ~~section.~~
113 ~~— (b) In an action under Subsection (4)(a), a renter may recover the greater of:~~
114 ~~— (i) actual damages; or~~
115 ~~— (ii) \$1,000.]]~~

The motion to amend passed with a vote of **9-0-1**, with Rep. Dee absent for the vote.

Motion: Rep. Becker moved that the committee report a favorable recommendation on 1st Substitute H.B. 281 as amended. The motion passed unanimously with a vote of **9-0-1**, with Rep. Dee absent for the vote.

Motion: Rep. Buxton made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:57 a.m.

Kory M. Holdaway, Chair