

H.B. 139

DEPARTMENT OF COMMUNITY AND CULTURE AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 2

FEBRUARY 13, 2012 2:36 PM

Representative **Wayne A. Harper** proposes the following amendments:

1. *Page 1, Line 27 through Page 2, Line 34:*

- 27 ▶ modifies the powers and duties of the Housing and Community Development
28 Division; {~~and~~} =
 ▶ creates an advisory council to advise the Department of Workforce Services during the
transition of moving the Division of Housing and Community Development from the Department of
Community and Culture; and
29 ▶ makes technical changes.
30 Money Appropriated in this Bill:
31 None
32 Other Special Clauses:
33 {~~None~~} This bill takes effect on July 1, 2012.
34 Utah Code Sections Affected:

2. *Page 4, Lines 110 through 111:*

- 110 9-1-201.2, Utah Code Annotated 1953
 = 35A-8-1801, Utah Code Annotated 1953
 35A-8-1802, Utah Code Annotated 1953
111 RENUMBERS AND AMENDS:

3. *Page 50, Lines 1526 through 1531:*

- 1526 (2) The director or the director's designee, hereafter referred to in this section as the
1527 director, shall administer the fund with input from the {~~Department of {Community and Culture}~~
1528 ~~Heritage and Arts~~} Housing and Community Development Division, including any advisory
 committees within the {~~Department of {Community~~
1529 ~~and Culture}~~ Heritage and Arts} Housing and Community Development Division that deal with
 refugee services issues.
1530 (3) (a) Money shall be deposited into the fund from numerous sources, including
1531 federal grants, private foundations, and individual donors.

4. *Page 50, Lines 1535 through 1538:*

- 1535 (4) The director may not expend money in the fund that is not restricted to a specific
1536 use under federal law or by donors without input from the {~~Department of {Community and~~

1537 ~~Culture} Heritage and Arts}~~ Housing and Community Development Division , either directly or
through an advisory committee identified in
1538 Subsection (2).

5. *Page 50, Lines 1542 through 1546:*

1542 (6) The money in the fund may not be used by the director for administrative expenses.

1543 (7) If the ~~{Department of} Community and Culture} Heritage and Arts}~~ Housing and
Community Development Division establishes a

1544 refugee services advisory committee referred to in Subsection (2), that committee may:

1545 (a) advise the director on refugee services needs in the state and on relevant operational
1546 aspects of any grant or revenue collection program established under this part;

6. *Page 51, Lines 1572 through 1573:*

1572 (9) In addition to Subsection (8), the director with advice from the ~~{Department of
1573 } Community and Culture} Heritage and Arts}~~ Housing and Community Development Division or
its refugee services advisory committee, if one

7. *Page 57, Line 1737 through Page 58, Line 1766:*

1737 (i) utilize the capabilities and facilities of public and private universities and colleges
1738 within the state in carrying out its functions; and

1739 (j) assist and support local governments, community action agencies, and citizens in
1740 the planning, development, and maintenance of home weatherization, energy efficiency, and
1741 antipoverty activities ~~{;}~~ ; [and]

1742 ~~{(k) assist and support volunteer efforts in the state[.]; and}~~

1743 ~~{(l) provide information and support to aid a qualifying client of the department in
1744 obtaining affordable housing, including the provision of:~~

1745 ~~——(i) information regarding special housing programs, including programs for first-time
1746 home buyers and persons with low and moderate incomes and the eligibility requirements for
1747 those programs;~~

1748 ~~——(ii) referrals to programs operated by volunteers from the real estate industry that assist
1749 clients in obtaining affordable housing, including information on home ownership, down
1750 payments, closing costs, and credit requirements; and~~

1751 ~~——(iii) referrals to housing programs operated by municipalities, counties, local housing
1752 authorities, and nonprofit housing organizations that assist individuals to obtain affordable
1753 housing, including first-time home ownership.}~~

8. *Page 92, Lines 2836 through 2840:*

2836 (viii) two members of the general public.

2837 (b) The director or [his] the director's designee ~~[shall serve]~~ serves as the secretary of

2838 the {~~committee~~} board .

2839 (c) The members of the board shall annually elect a chair from among the voting

2840 membership of the board.

9. Page 164, Lines 5060 through 5062:

5060 (c) in the case of a loan, in accordance with Section 63A-3-205.

(7) The division, with board approval, may use fund money for the administration of the fund, but this amount may not exceed 2% of the annual receipts to the fund.

5061 Section 154. Section 35A-8-1708, which is renumbered from Section 9-11-108 is

5062 renumbered and amended to read:

10. Page 164, Line 5066 through Page 166, Line 5067:

5066 as a list of recipients of this assistance.

Section 155. Section 35A-8-1801 is enacted to read:

Part 18. Transitional Housing and Community Development Advisory Council

35A-8-1801. Transitional Housing and Community Development Advisory Council -- Membership
-- Duties.

(1) There is created the Transitional Housing and Community Development Advisory Council within the Department of Workforce Services consisting of the following members:

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

(b) the director of the Housing and Community Development Division of the Department of Workforce Services, who shall serve as chair of the advisory council;

(c) a representative from the governor's office designated and appointed by the governor;

(d) two representatives of entities that use or allocate funds distributed by the Housing and Community Development Division, designated and appointed by the director of the Housing and Community Development Division; and

(e) the executive director, or the executive director's designee, of the:

(i) Bear River Association of Governments;

(ii) Five County Association of Governments;

(iii) Mountainland Association of Governments;

(iv) Six County Association of Governments;

(v) Southeastern Utah Association of Governments;

(vi) Uintah Basin Association of Governments;

(vii) Wasatch Front Regional Council;

(viii) Community Action Partnership of Utah; and

(ix) Utah Housing Coalition.

(2) (a) Except as provided in Subsection (2)(b), the advisory council shall meet at least once every three months and may meet more frequently as needed.

(b) The advisory council may meet less than once every three months if the chair, after polling the members, determines that a meeting is not needed.

(c) The chair, or a majority of the advisory council, may call a meeting of the advisory council.

(d) A majority of the membership is a quorum for conducting advisory council business and a majority vote of the quorum present is required for an action to be taken by the advisory council.

(e) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(f) The Housing and Community Development Division shall provide necessary administrative and staff support services to the advisory council.

(3) The advisory council shall advise and counsel the Department of Workforce Services and the department's Housing and Community Development Division in formulating rules, protocols, and policies to:

(a) successfully transition the division from the Department of Community and Culture;

(b) maintain consistency in providing services to, and cooperating with, qualifying interested parties, including individuals, groups, political subdivisions, and community action agencies, which properly participated in division services under the Department of Community and Culture; and

(c) inform and advise interested parties, including individuals, groups, political subdivisions, and community action agencies regarding:

(i) the division's transition to the Department of Workforce Services; and

(ii) each significant change, or contemplated change, in the delivery of division services.

(4) The Housing and Community Development Division shall present to the advisory council for its advice and counsel, each significant proposed change to the delivery of services by the division.

Section 156. Section 35A-8-1802 is enacted to read:

35A-8-1802. Interim study.

During the 2012 interim, the Workforce Services, Community, and Economic Development Interim Committee shall study and make recommendations to the Legislature regarding:

(1) the effectiveness and progress of the Housing and Community Development's transition to the Department of Workforce Services;

(2) housing needs in the state of Utah; and

(3) opportunities for further consolidation of state programs and policies regarding housing.

5067 Section 155. Section 51-9-504 is amended to read:

Renumber remaining sections accordingly.

11. Page 220, Lines 6809 through 6812:

6809 (ii) one member of the State Board of Education;

6810 (iii) one member of the {~~Division of~~ Housing and Community Development Division
6811 ~~of the~~} Department of {~~Community and Culture~~ Workforce Services} Heritage and Arts ;
6812 (iv) one member of the Board of Tourism Development;

12. Page 222, Lines 6866 through 6868:

6866 (3) Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act, is repealed July 1,
6867 2016.
= (4) Title 34A, Chapter 8, Part 18, Transitional Housing and Community Development Advisory
Council, is repealed July 1, 2014.
6868 Section 180. Section 63I-4-102 is amended to read:

13. Page 250, Lines 7719 through 7721:

7719 (iii) the executive secretary of the Drinking Water Board;
7720 (iv) the {~~executive~~} director of the {~~Department of~~ Community and Culture Heritage and
7721 Arts} Housing and Community Development Division or the {~~executive~~} director's designee;
and

14. Page 250, Line 7746:

7746 Section 9-6-607, Office director.
Section 198. Effective date.
This bill takes effect on July 1, 2012.