

1 **GOVERNMENT BUILDING REGULATION AMENDMENTS**

2 2021 FIRST SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Scott D. Sandall

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to government building regulation.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies requirements for a building permit application;
 - 13 ▶ prohibits a municipality or county from regulating certain building design elements;
 - 14 ▶ standardizes the name of the Utah Home Builders Association throughout the Utah
- 15 Code; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **10-5-132**, as last amended by Laws of Utah 2020, Chapters 354 and 441

24 **10-6-160**, as last amended by Laws of Utah 2020, Chapter 441

25 **10-9a-401**, as last amended by Laws of Utah 2021, Chapters 64 and 333

26 **10-9a-403**, as last amended by Laws of Utah 2020, Chapter 136

27 **10-9a-404**, as last amended by Laws of Utah 2021, Chapters 64 and 333



28 **10-9a-408**, as last amended by Laws of Utah 2021, Chapters 64 and 333
 29 **13-43-202**, as last amended by Laws of Utah 2010, Chapter 286
 30 **15A-1-202**, as last amended by Laws of Utah 2020, Chapter 441
 31 **15A-1-204 (Superseded 07/01/21)**, as last amended by Laws of Utah 2020, Chapters
 32 111 and 441
 33 **15A-1-204 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapter 199
 34 **15A-5-104**, as enacted by Laws of Utah 2020, Chapter 111
 35 **17-27a-403**, as last amended by Laws of Utah 2021, Chapter 363
 36 **17-36-55**, as last amended by Laws of Utah 2020, Chapter 441
 37 **19-5-125**, as enacted by Laws of Utah 2020, Chapter 111
 38 **58-55-102**, as last amended by Laws of Utah 2019, Chapter 215
 39 **58-55-302.5**, as last amended by Laws of Utah 2019, Chapter 215
 40 **63N-3-603**, as enacted by Laws of Utah 2021, Chapter 411

41 ENACTS:

42 **10-9a-534**, Utah Code Annotated 1953
 43 **17-27a-530**, Utah Code Annotated 1953

44

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

46 Section 1. Section **10-5-132** is amended to read:

47 **10-5-132. Fees collected for construction approval -- Approval of plans.**

48 (1) As used in this section:

49 (a) "Business day" means a day other than Saturday, Sunday, or a legal holiday.

50 [~~(a)~~] (b) "Construction project" means the same as that term is defined in Section
51 **38-1a-102.**

52 [~~(b)~~] (c) "Lodging establishment" means a place providing temporary sleeping
53 accommodations to the public, including any of the following:

- 54 (i) a bed and breakfast establishment;
- 55 (ii) a boarding house;
- 56 (iii) a dormitory;
- 57 (iv) a hotel;
- 58 (v) an inn;

59 (vi) a lodging house;

60 (vii) a motel;

61 (viii) a resort; or

62 (ix) a rooming house.

63 [~~(c)~~] (d) "Planning review" means a review to verify that a town has approved the
64 following elements of a construction project:

65 (i) zoning;

66 (ii) lot sizes;

67 (iii) setbacks;

68 (iv) easements;

69 (v) curb and gutter elevations;

70 (vi) grades and slopes;

71 (vii) utilities;

72 (viii) street names;

73 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
74 Interface Code adopted under Section 15A-2-103; and

75 (x) subdivision.

76 [~~(d)~~] (e) (i) "Plan review" means all of the reviews and approvals of a plan that a town
77 requires to obtain a building permit from the town with a scope that may not exceed a review to
78 verify:

79 (A) that the construction project complies with the provisions of the State Construction
80 Code under Title 15A, State Construction and Fire Codes Act;

81 (B) that the construction project complies with the energy code adopted under Section
82 15A-2-103;

83 (C) that the construction project received a planning review;

84 (D) that the applicant paid any required fees;

85 (E) that the applicant obtained final approvals from any other required reviewing
86 agencies;

87 (F) that the construction project complies with federal, state, and local storm water
88 protection laws;

89 (G) that the construction project received a structural review;

90 (H) the total square footage for each building level of finished, garage, and unfinished
91 space; and

92 (I) that the plans include a printed statement indicating that the actual construction will
93 comply with applicable local ordinances and the state construction codes.

94 (ii) "Plan review" does not mean a review of a document:

95 (A) required to be re-submitted for a construction project other than a construction
96 project for a one to two family dwelling or townhome if additional modifications or substantive
97 changes are identified by the plan review;

98 (B) submitted as part of a deferred submittal when requested by the applicant and
99 approved by the building official; or

100 (C) that, due to the document's technical nature or on the request of the applicant, is
101 reviewed by a third party.

102 [~~(e)~~] (f) "State Construction Code" means the same as that term is defined in Section
103 15A-1-102.

104 [~~(f)~~] (g) "State Fire Code" means the same as that term is defined in Section
105 15A-1-102.

106 [~~(g)~~] (h) "Structural review" means:

107 (i) a review that verifies that a construction project complies with the following:

108 (A) footing size and bar placement;

109 (B) foundation thickness and bar placement;

110 (C) beam and header sizes;

111 (D) nailing patterns;

112 (E) bearing points;

113 (F) structural member size and span; and

114 (G) sheathing; or

115 (ii) if the review exceeds the scope of the review described in Subsection (1)[~~(g)~~](h)(i),
116 a review that a licensed engineer conducts.

117 [~~(h)~~] (i) "Technical nature" means a characteristic that places an item outside the
118 training and expertise of an individual who regularly performs plan reviews.

119 (2) (a) If a town collects a fee for the inspection of a construction project, the town
120 shall ensure that the construction project receives a prompt inspection.

121 (b) If a town cannot provide a building inspection within three business days after the
122 day on which the town receives the request for the inspection, the town shall promptly engage
123 an independent inspector with fees collected from the applicant.

124 (c) If an inspector identifies one or more violations of the State Construction Code or
125 State Fire Code during an inspection, the inspector shall give the permit holder written
126 notification that:

127 (i) identifies each violation;

128 (ii) upon request by the permit holder, includes a reference to each applicable provision
129 of the State Construction Code or State Fire Code; and

130 (iii) is delivered:

131 (A) in hardcopy or by electronic means; and

132 (B) the day on which the inspection occurs.

133 (3) (a) A town shall complete a plan review of a construction project for a one to two
134 family dwelling or townhome by no later than 14 business days after the day on which the [~~plan~~
135 ~~is submitted~~] applicant submits a complete building permit application to the town.

136 (b) A town shall complete a plan review of a construction project for a residential
137 structure built under the International Building Code, not including a lodging establishment, by
138 no later than 21 business days after the day on which the [~~plan is submitted~~] applicant submits
139 a complete building permit application to the town.

140 (c) (i) Subject to Subsection (3)(c)(ii), if a town does not complete a plan review before
141 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
142 town complete the plan review.

143 (ii) If an applicant makes a request under Subsection (3)(c)(i), the town shall perform
144 the plan review no later than:

145 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
146 applicant makes the request; or

147 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
148 applicant makes the request.

149 (d) An applicant may:

150 (i) waive the plan review time requirements described in this Subsection (3); or

151 (ii) with the town's consent, establish an alternative plan review time requirement.

152 (4) ~~[(a)]~~ A town may not enforce a requirement to have a plan review if:
153 ~~[(i)]~~ (a) the town does not complete the plan review within the time period described in
154 Subsection (3)(a) or (b); and
155 ~~[(ii)]~~ (b) a licensed architect or structural engineer, or both when required by law,
156 stamps the plan.

157 ~~[(b)]~~ (5) (a) A town may attach to a reviewed plan a list that includes:
158 (i) items with which the town is concerned and may enforce during construction; and
159 (ii) building code violations found in the plan.

160 ~~[(c)]~~ (b) A town may not require an applicant to redraft a plan if the town requests
161 minor changes to the plan that the list described in Subsection ~~[(4)(b)]~~ (5)(a) identifies.

162 ~~[(5) An applicant shall ensure that each construction project plan submitted for a plan
163 review under this section has a statement indicating that actual construction will comply with
164 applicable local ordinances and building codes.]~~

165 (c) A town may only require a single resubmittal of plans for a one or two family
166 dwelling or townhome if the resubmission is required to address deficiencies identified by a
167 third-party review of a geotechnical report or geological report.

168 (6) If a town charges a fee for a building permit, the town may not refuse payment of
169 the fee at the time the applicant submits a building permit application under Subsection (3).

170 (7) A town may not limit the number of building permit applications submitted under
171 Subsection (3).

172 (8) For purposes of Subsection (3), a building permit application is complete if the
173 application contains:

174 (a) the name, address, and contact information of:
175 (i) the applicant; and
176 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
177 the construction project;

178 (b) a site plan for the construction project that:
179 (i) is drawn to scale;
180 (ii) includes a north arrow and legend; and
181 (iii) provides specifications for the following:
182 (A) lot size and dimensions;

- 183 (B) setbacks and overhangs for setbacks;
- 184 (C) easements;
- 185 (D) property lines;
- 186 (E) topographical details, if the slope of the lot is greater than 10%;
- 187 (F) retaining walls;
- 188 (G) hard surface areas;
- 189 (H) curb and gutter elevations as indicated in the subdivision documents;
- 190 (I) utilities, including water meter and sewer lateral location;
- 191 (J) street names;
- 192 (K) driveway locations;
- 193 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
- 194 Interface Code adopted under Section [15A-2-103](#); and
- 195 (M) the location of the nearest hydrant;
- 196 (c) construction plans and drawings, including:
- 197 (i) elevations, only if the construction project is new construction;
- 198 (ii) floor plans for each level, including the location and size of doors and windows;
- 199 (iii) foundation, structural, and framing detail; and
- 200 (iv) electrical, mechanical, and plumbing design;
- 201 (d) documentation of energy code compliance;
- 202 (e) structural calculations, except for trusses;
- 203 (f) a geotechnical report, including a slope stability evaluation and retaining wall
- 204 design, if:
- 205 (i) the slope of the lot is greater than 15%; and
- 206 (ii) required by the town; and
- 207 (g) a statement indicating that actual construction will comply with applicable local
- 208 ordinances and building codes.

Section 2. Section **10-6-160** is amended to read:

10-6-160. Fees collected for construction approval -- Approval of plans.

(1) As used in this section:

(a) "Business day" means a day other than Saturday, Sunday, or a legal holiday.

~~[(a)]~~ (b) "Construction project" means the same as that term is defined in Section

214 38-1a-102.

215 ~~(b)~~ (c) "Lodging establishment" means a place providing temporary sleeping
216 accommodations to the public, including any of the following:

217 (i) a bed and breakfast establishment;

218 (ii) a boarding house;

219 (iii) a dormitory;

220 (iv) a hotel;

221 (v) an inn;

222 (vi) a lodging house;

223 (vii) a motel;

224 (viii) a resort; or

225 (ix) a rooming house.

226 ~~(c)~~ (d) "Planning review" means a review to verify that a city has approved the
227 following elements of a construction project:

228 (i) zoning;

229 (ii) lot sizes;

230 (iii) setbacks;

231 (iv) easements;

232 (v) curb and gutter elevations;

233 (vi) grades and slopes;

234 (vii) utilities;

235 (viii) street names;

236 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
237 Interface Code adopted under Section 15A-2-103; and

238 (x) subdivision.

239 ~~(d)~~ (e) (i) " Plan review" means all of the reviews and approvals of a plan that a city
240 requires to obtain a building permit from the city with a scope that may not exceed a review to
241 verify:

242 (A) that the construction project complies with the provisions of the State Construction
243 Code under Title 15A, State Construction and Fire Codes Act;

244 (B) that the construction project complies with the energy code adopted under Section

245 15A-2-103;

246 (C) that the construction project received a planning review;

247 (D) that the applicant paid any required fees;

248 (E) that the applicant obtained final approvals from any other required reviewing

249 agencies;

250 (F) that the construction project complies with federal, state, and local storm water

251 protection laws;

252 (G) that the construction project received a structural review;

253 (H) the total square footage for each building level of finished, garage, and unfinished

254 space; and

255 (I) that the plans include a printed statement indicating that the actual construction will
256 comply with applicable local ordinances and the state construction codes.

257 (ii) "Plan review" does not mean a review of a document:

258 (A) required to be re-submitted for a construction project other than a construction
259 project for a one to two family dwelling or townhome if additional modifications or substantive
260 changes are identified by the plan review;

261 (B) submitted as part of a deferred submittal when requested by the applicant and
262 approved by the building official; or

263 (C) that, due to the document's technical nature or on the request of the applicant, is
264 reviewed by a third party.

265 [~~e~~] (f) "State Construction Code" means the same as that term is defined in Section
266 15A-1-102.

267 [~~f~~] (g) "State Fire Code" means the same as that term is defined in Section
268 15A-1-102.

269 [~~g~~] (h) "Structural review" means:

270 (i) a review that verifies that a construction project complies with the following:

271 (A) footing size and bar placement;

272 (B) foundation thickness and bar placement;

273 (C) beam and header sizes;

274 (D) nailing patterns;

275 (E) bearing points;

276 (F) structural member size and span; and
277 (G) sheathing; or
278 (ii) if the review exceeds the scope of the review described in Subsection (1)~~[(g)]~~[(h)](i),
279 a review that a licensed engineer conducts.

280 ~~[(h)]~~ (i) "Technical nature" means a characteristic that places an item outside the
281 training and expertise of an individual who regularly performs plan reviews.

282 (2) (a) If a city collects a fee for the inspection of a construction project, the city shall
283 ensure that the construction project receives a prompt inspection.

284 (b) If a city cannot provide a building inspection within three business days after the
285 day on which the city receives the request for the inspection, the city shall promptly engage an
286 independent inspector with fees collected from the applicant.

287 (c) If an inspector identifies one or more violations of the State Construction Code or
288 State Fire Code during an inspection, the inspector shall give the permit holder written
289 notification that:

- 290 (i) identifies each violation;
- 291 (ii) upon request by the permit holder, includes a reference to each applicable provision
292 of the State Construction Code or State Fire Code; and
- 293 (iii) is delivered:
 - 294 (A) in hardcopy or by electronic means; and
 - 295 (B) the day on which the inspection occurs.

296 (3) (a) A city shall complete a plan review of a construction project for a one to two
297 family dwelling or townhome by no later than 14 business days after the day on which the ~~[plan~~
298 ~~is submitted]~~ applicant submits a complete building permit application to the city.

299 (b) A city shall complete a plan review of a construction project for a residential
300 structure built under the International Building Code, not including a lodging establishment, by
301 no later than 21 business days after the day on which the ~~[plan is submitted]~~ applicant submits
302 a complete building permit application to the city.

303 (c) (i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before
304 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
305 city complete the plan review.

306 (ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the

307 plan review no later than:

308 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
309 applicant makes the request; or

310 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
311 applicant makes the request.

312 (d) An applicant may:

313 (i) waive the plan review time requirements described in this Subsection (3); or

314 (ii) with the city's consent, establish an alternative plan review time requirement.

315 (4) ~~(a)~~ A city may not enforce a requirement to have a plan review if:

316 ~~(i)~~ (a) the city does not complete the plan review within the time period described in
317 Subsection (3)(a) or (b); and

318 ~~(ii)~~ (b) a licensed architect or structural engineer, or both when required by law,
319 stamps the plan.

320 ~~(b)~~ (5) (a) A city may attach to a reviewed plan a list that includes:

321 (i) items with which the city is concerned and may enforce during construction; and

322 (ii) building code violations found in the plan.

323 ~~(c)~~ (b) A city may not require an applicant to redraft a plan if the city requests minor
324 changes to the plan that the list described in Subsection ~~[(4)(b)]~~ (5)(a) identifies.

325 ~~[(5) An applicant shall ensure that each construction project plan submitted for a plan
326 review under this section has a statement indicating that actual construction will comply with
327 applicable local ordinances and building codes.]~~

328 (c) A city may only require a single resubmittal of plans for a one or two family
329 dwelling or townhome if the resubmission is required to address deficiencies identified by a
330 third-party review of a geotechnical report or geological report.

331 (6) If a city charges a fee for a building permit, the city may not refuse payment of the
332 fee at the time the applicant submits a building permit application under Subsection (3).

333 (7) A city may not limit the number of building permit applications submitted under
334 Subsection (3).

335 (8) For purposes of Subsection (3), a building permit application is complete if the
336 application contains:

337 (a) the name, address, and contact information of:

- 338 (i) the applicant; and
- 339 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
- 340 the construction project;
- 341 (b) a site plan for the construction project that:
 - 342 (i) is drawn to scale;
 - 343 (ii) includes a north arrow and legend; and
 - 344 (iii) provides specifications for the following:
 - 345 (A) lot size and dimensions;
 - 346 (B) setbacks and overhangs for setbacks;
 - 347 (C) easements;
 - 348 (D) property lines;
 - 349 (E) topographical details, if the slope of the lot is greater than 10%;
 - 350 (F) retaining walls;
 - 351 (G) hard surface areas;
 - 352 (H) curb and gutter elevations as indicated in the subdivision documents;
 - 353 (I) utilities, including water meter and sewer lateral location;
 - 354 (J) street names;
 - 355 (K) driveway locations;
 - 356 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
 - 357 Interface Code adopted under Section [15A-2-103](#); and
 - 358 (M) the location of the nearest hydrant;
 - 359 (c) construction plans and drawings, including:
 - 360 (i) elevations, only if the construction project is new construction;
 - 361 (ii) floor plans for each level, including the location and size of doors and windows;
 - 362 (iii) foundation, structural, and framing detail; and
 - 363 (iv) electrical, mechanical, and plumbing design;
 - 364 (d) documentation of energy code compliance;
 - 365 (e) structural calculations, except for trusses;
 - 366 (f) a geotechnical report, including a slope stability evaluation and retaining wall
 - 367 design, if:
 - 368 (i) the slope of the lot is greater than 15%; and

369 (ii) required by the city; and
370 (g) a statement indicating that actual construction will comply with applicable local
371 ordinances and building codes.

372 Section 3. Section **10-9a-401** is amended to read:

373 **10-9a-401. General plan required -- Content.**

374 (1) In order to accomplish the purposes of this chapter, each municipality shall prepare
375 and adopt a comprehensive, long-range general plan for:

- 376 (a) present and future needs of the municipality; and
- 377 (b) growth and development of all or any part of the land within the municipality.

378 (2) The general plan may provide for:

379 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
380 activities, aesthetics, and recreational, educational, and cultural opportunities;

381 (b) the reduction of the waste of physical, financial, or human resources that result
382 from either excessive congestion or excessive scattering of population;

383 (c) the efficient and economical use, conservation, and production of the supply of:

384 (i) food and water; and

385 (ii) drainage, sanitary, and other facilities and resources;

386 (d) the use of energy conservation and solar and renewable energy resources;

387 (e) the protection of urban development;

388 (f) if the municipality is a town, the protection or promotion of moderate income
389 housing;

390 (g) the protection and promotion of air quality;

391 (h) historic preservation;

392 (i) identifying future uses of land that are likely to require an expansion or significant
393 modification of services or facilities provided by each affected entity; and

394 (j) an official map.

395 (3) (a) The general plan of a municipality, other than a town, shall plan for moderate
396 income housing growth.

397 (b) On or before December 1, 2019, each of the following that have a general plan that
398 does not comply with Subsection (3)(a) shall amend the general plan to comply with

399 Subsection (3)(a):

- 400 (i) a city of the first, second, third, or fourth class;
- 401 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located
- 402 within a county of the first, second, or third class; and
- 403 (iii) a metro township with a population of 5,000 or more.
- 404 (c) The population figures described in Subsections (3)(b)(ii) and (iii) shall be derived
- 405 from:
- 406 (i) the most recent official census or census estimate of the United States Census
- 407 Bureau; or
- 408 (ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the
- 409 Utah Population Committee.
- 410 (4) Subject to Subsection ~~10-9a-403~~(~~3~~)(2), the municipality may determine the
- 411 comprehensiveness, extent, and format of the general plan.

412 Section 4. Section ~~10-9a-403~~ is amended to read:

413 **10-9a-403. General plan preparation.**

414 [~~(1)(a) As used in this section, "residential building design element" means for a~~

415 ~~single-family residential building;~~]

416 [~~(i) exterior building color;~~]

417 [~~(ii) type or style of exterior cladding material;~~]

418 [~~(iii) style or materials of a roof structure, roof pitch, or porch;~~]

419 [~~(iv) exterior nonstructural architectural ornamentation;~~]

420 [~~(v) location, design, placement, or architectural styling of a window or door, including~~

421 ~~a garage door;~~]

422 [~~(vi) the number or type of rooms;~~]

423 [~~(vii) the interior layout of a room; or~~]

424 [~~(viii) the minimum square footage of a structure.~~]

425 [~~(b) "Residential building design element" does not include for a single-family~~

426 ~~residential building;~~]

427 [~~(i) the height, bulk, orientation, or location of a structure on a lot; or~~]

428 [~~(ii) buffering or screening used to:~~]

429 [~~(A) minimize visual impacts;~~]

430 [~~(B) mitigate the impacts of light or noise; or~~]

431 [~~(C)~~ protect the privacy of neighbors.]

432 [~~(2)~~] (1) (a) The planning commission shall provide notice, as provided in Section
433 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a
434 general plan or a comprehensive general plan amendment when the planning commission
435 initiates the process of preparing its recommendation.

436 (b) The planning commission shall make and recommend to the legislative body a
437 proposed general plan for the area within the municipality.

438 (c) The plan may include areas outside the boundaries of the municipality if, in the
439 planning commission's judgment, those areas are related to the planning of the municipality's
440 territory.

441 (d) Except as otherwise provided by law or with respect to a municipality's power of
442 eminent domain, when the plan of a municipality involves territory outside the boundaries of
443 the municipality, the municipality may not take action affecting that territory without the
444 concurrence of the county or other municipalities affected.

445 [~~(3)~~] (2) (a) At a minimum, the proposed general plan, with the accompanying maps,
446 charts, and descriptive and explanatory matter, shall include the planning commission's
447 recommendations for the following plan elements:

448 (i) a land use element that:

449 (A) designates the long-term goals and the proposed extent, general distribution, and
450 location of land for housing for residents of various income levels, business, industry,
451 agriculture, recreation, education, public buildings and grounds, open space, and other
452 categories of public and private uses of land as appropriate; and

453 (B) may include a statement of the projections for and standards of population density
454 and building intensity recommended for the various land use categories covered by the plan;

455 (ii) a transportation and traffic circulation element that:

456 (A) provides the general location and extent of existing and proposed freeways, arterial
457 and collector streets, public transit, active transportation facilities, and other modes of
458 transportation that the planning commission considers appropriate;

459 (B) for a municipality that has access to a major transit investment corridor, addresses
460 the municipality's plan for residential and commercial development around major transit
461 investment corridors to maintain and improve the connections between housing, employment,

462 education, recreation, and commerce;

463 (C) for a municipality that does not have access to a major transit investment corridor,
464 addresses the municipality's plan for residential and commercial development in areas that will
465 maintain and improve the connections between housing, transportation, employment,
466 education, recreation, and commerce; and

467 (D) correlates with the population projections, the employment projections, and the
468 proposed land use element of the general plan; and

469 (iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a
470 realistic opportunity to meet the need for additional moderate income housing.

471 (b) In drafting the moderate income housing element, the planning commission:

472 (i) shall consider the Legislature's determination that municipalities shall facilitate a
473 reasonable opportunity for a variety of housing, including moderate income housing:

474 (A) to meet the needs of people of various income levels living, working, or desiring to
475 live or work in the community; and

476 (B) to allow people with various incomes to benefit from and fully participate in all
477 aspects of neighborhood and community life;

478 (ii) for a town, may include, and for other municipalities, shall include, an analysis of
479 how the municipality will provide a realistic opportunity for the development of moderate
480 income housing within the next five years;

481 (iii) for a town, may include, and for other municipalities, shall include, a
482 recommendation to implement three or more of the following strategies:

483 (A) rezone for densities necessary to assure the production of moderate income
484 housing;

485 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
486 construction of moderate income housing;

487 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
488 income housing;

489 (D) consider general fund subsidies or other sources of revenue to waive construction
490 related fees that are otherwise generally imposed by the city;

491 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
492 residential zones;

- 493 (F) allow for higher density or moderate income residential development in
494 commercial and mixed-use zones, commercial centers, or employment centers;
- 495 (G) encourage higher density or moderate income residential development near major
496 transit investment corridors;
- 497 (H) eliminate or reduce parking requirements for residential development where a
498 resident is less likely to rely on the resident's own vehicle, such as residential development near
499 major transit investment corridors or senior living facilities;
- 500 (I) allow for single room occupancy developments;
- 501 (J) implement zoning incentives for low to moderate income units in new
502 developments;
- 503 (K) utilize strategies that preserve subsidized low to moderate income units on a
504 long-term basis;
- 505 (L) preserve existing moderate income housing;
- 506 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
507 income housing;
- 508 (N) participate in a community land trust program for low or moderate income
509 housing;
- 510 (O) implement a mortgage assistance program for employees of the municipality or of
511 an employer that provides contracted services to the municipality;
- 512 (P) apply for or partner with an entity that applies for state or federal funds or tax
513 incentives to promote the construction of moderate income housing;
- 514 (Q) apply for or partner with an entity that applies for programs offered by the Utah
515 Housing Corporation within that agency's funding capacity;
- 516 (R) apply for or partner with an entity that applies for affordable housing programs
517 administered by the Department of Workforce Services;
- 518 (S) apply for or partner with an entity that applies for programs administered by an
519 association of governments established by an interlocal agreement under Title 11, Chapter 13,
520 Interlocal Cooperation Act;
- 521 (T) apply for or partner with an entity that applies for services provided by a public
522 housing authority to preserve and create moderate income housing;
- 523 (U) apply for or partner with an entity that applies for programs administered by a

524 metropolitan planning organization or other transportation agency that provides technical
525 planning assistance;

526 (V) utilize a moderate income housing set aside from a community reinvestment
527 agency, redevelopment agency, or community development and renewal agency; and

528 [~~(W)~~ ~~reduce residential building design elements; and~~]

529 [~~(X)~~] (W) any other program or strategy implemented by the municipality to address
530 the housing needs of residents of the municipality who earn less than 80% of the area median
531 income; and

532 (iv) in addition to the recommendations required under Subsection [~~(3)~~] (2)(b)(iii), for
533 a municipality that has a fixed guideway public transit station, shall include a recommendation
534 to implement the strategies described in Subsection [~~(3)~~] (2)(b)(iii)(G) or (H).

535 (c) In drafting the land use element, the planning commission shall:

536 (i) identify and consider each agriculture protection area within the municipality; and

537 (ii) avoid proposing a use of land within an agriculture protection area that is
538 inconsistent with or detrimental to the use of the land for agriculture.

539 (d) In drafting the transportation and traffic circulation element, the planning
540 commission shall:

541 (i) consider the regional transportation plan developed by its region's metropolitan
542 planning organization, if the municipality is within the boundaries of a metropolitan planning
543 organization; or

544 (ii) consider the long-range transportation plan developed by the Department of
545 Transportation, if the municipality is not within the boundaries of a metropolitan planning
546 organization.

547 [~~(4)~~] (3) The proposed general plan may include:

548 (a) an environmental element that addresses:

549 (i) the protection, conservation, development, and use of natural resources, including
550 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
551 and other natural resources; and

552 (ii) the reclamation of land, flood control, prevention and control of the pollution of
553 streams and other waters, regulation of the use of land on hillsides, stream channels and other
554 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,

555 protection of watersheds and wetlands, and the mapping of known geologic hazards;

556 (b) a public services and facilities element showing general plans for sewage, water,
557 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
558 police and fire protection, and other public services;

559 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
560 programs for:

561 (i) historic preservation;

562 (ii) the diminution or elimination of a development impediment as defined in Section
563 [17C-1-102](#); and

564 (iii) redevelopment of land, including housing sites, business and industrial sites, and
565 public building sites;

566 (d) an economic element composed of appropriate studies and forecasts, as well as an
567 economic development plan, which may include review of existing and projected municipal
568 revenue and expenditures, revenue sources, identification of basic and secondary industry,
569 primary and secondary market areas, employment, and retail sales activity;

570 (e) recommendations for implementing all or any portion of the general plan, including
571 the use of land use ordinances, capital improvement plans, community development and
572 promotion, and any other appropriate action;

573 (f) provisions addressing any of the matters listed in Subsection [10-9a-401\(2\)](#) or (3);
574 and

575 (g) any other element the municipality considers appropriate.

576 Section 5. Section [10-9a-404](#) is amended to read:

577 **10-9a-404. Public hearing by planning commission on proposed general plan or**
578 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
579 **by legislative body.**

580 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
581 amend the general plan, the planning commission shall schedule and hold a public hearing on
582 the proposed plan or amendment.

583 (b) The planning commission shall provide notice of the public hearing, as required by
584 Section [10-9a-204](#).

585 (c) After the public hearing, the planning commission may modify the proposed

586 general plan or amendment.

587 (2) The planning commission shall forward the proposed general plan or amendment to
588 the legislative body.

589 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed
590 general plan or amendment that it considers appropriate.

591 (b) If the municipal legislative body rejects the proposed general plan or amendment, it
592 may provide suggestions to the planning commission for the planning commission's review and
593 recommendation.

594 (4) The legislative body shall adopt:

595 (a) a land use element as provided in Subsection 10-9a-403~~(3)~~(2)(a)(i);

596 (b) a transportation and traffic circulation element as provided in Subsection
597 10-9a-403~~(3)~~(2)(a)(ii); and

598 (c) for a municipality, other than a town, after considering the factors included in
599 Subsection 10-9a-403~~(3)~~(2)(b)(iii), a plan to provide a realistic opportunity to meet the need
600 for additional moderate income housing within the next five years.

601 Section 6. Section 10-9a-408 is amended to read:

602 **10-9a-408. Reporting requirements and civil action regarding moderate income**
603 **housing element of general plan.**

604 (1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b)
605 shall annually:

606 (a) review the moderate income housing plan element of the municipality's general
607 plan and implementation of that element of the general plan;

608 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

609 (c) post the report described in Subsection (1)(b) on the municipality's website.

610 (2) The report described in Subsection (1) shall include:

611 (a) a revised estimate of the need for moderate income housing in the municipality for
612 the next five years;

613 (b) a description of progress made within the municipality to provide moderate income
614 housing, demonstrated by analyzing and publishing data on the number of housing units in the
615 municipality that are at or below:

616 (i) 80% of the adjusted median family income;

- 617 (ii) 50% of the adjusted median family income; and
 618 (iii) 30% of the adjusted median family income;
 619 (c) a description of any efforts made by the municipality to utilize a moderate income
 620 housing set-aside from a community reinvestment agency, redevelopment agency, or
 621 community development and renewal agency; and
 622 (d) a description of how the municipality has implemented any of the recommendations
 623 related to moderate income housing described in Subsection ~~10-9a-403~~(2)(b)(iii).
 624 (3) The legislative body of each municipality described in Subsection (1) shall send a
 625 copy of the report under Subsection (1) to the Department of Workforce Services, the
 626 association of governments in which the municipality is located, and, if located within the
 627 boundaries of a metropolitan planning organization, the appropriate metropolitan planning
 628 organization.
 629 (4) In a civil action seeking enforcement or claiming a violation of this section or of
 630 Subsection ~~10-9a-404~~(4)(c), a plaintiff may not recover damages but may be awarded only
 631 injunctive or other equitable relief.

632 Section 7. Section ~~10-9a-534~~ is enacted to read:

633 **10-9a-534. Regulation of building design elements prohibited -- Exceptions.**

634 (1) As used in this section, "building design element" means:

635 (a) exterior color;

636 (b) type or style of exterior cladding material;

637 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;

638 (d) exterior nonstructural architectural ornamentation;

639 (e) location, design, placement, or architectural styling of a window or door;

640 (f) location, design, placement, or architectural styling of a garage door, not including a
 641 rear-loading garage door;

642 (g) number or type of rooms;

643 (h) interior layout of a room;

644 (i) minimum square footage over 1,000 square feet, not including a garage;

645 (j) rear yard landscaping requirements;

646 (k) minimum building dimensions; or

647 (l) a requirement to install front yard fencing.

648 (2) Except as provided in Subsection (3), a municipality may not impose a requirement
649 for a building design element on a one to two family dwelling.

650 (3) Subsection (2) does not apply to:

651 (a) a dwelling located within an area designated as a historic district in:

652 (i) the National Register of Historic Places;

653 (ii) the state register as defined in Section [9-8-402](#); or

654 (iii) a local historic district or area, or a site designated as a local landmark, created by
655 ordinance before January 1, 2021;

656 (b) an ordinance enacted as a condition for participation in the National Flood
657 Insurance Program administered by the Federal Emergency Management Agency;

658 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
659 Interface Code adopted under Section [15A-2-103](#);

660 (d) building design elements agreed to under a development agreement;

661 (e) a dwelling located within an area that:

662 (i) is zoned primarily for residential use; and

663 (ii) was substantially developed before calendar year 1950;

664 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;

665 (g) an ordinance enacted to regulate type of cladding, in response to findings or
666 evidence from the construction industry of:

667 (i) defects in the material of existing cladding; or

668 (ii) consistent defects in the installation of existing cladding; or

669 (h) a land use regulation, including a planned unit development or overlay zone, that a
670 property owner requests:

671 (i) the municipality to apply to the owner's property; and

672 (ii) in exchange for an increase in density or other benefit not otherwise available as a
673 permitted use in the zoning area or district.

674 Section 8. Section **13-43-202** is amended to read:

675 **13-43-202. Land Use and Eminent Domain Advisory Board -- Appointment --**
676 **Compensation -- Duties.**

677 (1) There is created the Land Use and Eminent Domain Advisory Board, within the
678 Office of the Property Rights Ombudsman, consisting of the following seven members:

- 679 (a) one individual representing special service districts, nominated by the Utah
680 Association of Special Districts;
- 681 (b) one individual representing municipal government, nominated by the Utah League
682 of Cities and Towns;
- 683 (c) one individual representing county government, nominated by the Utah Association
684 of Counties;
- 685 (d) one individual representing the residential construction industry, nominated by the
686 Utah Home Builders Association;
- 687 (e) one individual representing the real estate industry, nominated by the Utah
688 Association of Realtors;
- 689 (f) one individual representing the land development community, jointly nominated by
690 the Utah Association of Realtors and the Utah Home Builders Association [~~of Utah~~]; and
- 691 (g) one individual who:
- 692 (i) is a citizen with experience in land use issues;
- 693 (ii) does not hold public office; and
- 694 (iii) is not currently employed, nor has been employed in the previous 12 months, by
695 any of the entities or industries listed in Subsections (1)(a) through (f).
- 696 (2) After receiving nominations, the governor shall appoint members to the board.
- 697 (3) The term of office of each member is four years, except that the governor shall
698 appoint three of the members of the board to an initial two-year term.
- 699 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as
700 an appointment under Subsections (1) and (2).
- 701 (5) (a) Board members shall elect a chair from their number and establish rules for the
702 organization and operation of the board.
- 703 (b) Five members of the board constitute a quorum for the conduct of the board's
704 business.
- 705 (c) The affirmative vote of five members is required to constitute the decision of the
706 board on any matter.
- 707 (6) A member may not receive compensation or benefits for the member's service, but
708 may receive per diem and travel expenses in accordance with:
- 709 (a) Section [63A-3-106](#);

- 710 (b) Section [63A-3-107](#); and
- 711 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 712 [63A-3-107](#).
- 713 (7) A member need not give a bond for the performance of official duties.
- 714 (8) The Office of the Property Rights Ombudsman shall provide staff to the board.
- 715 (9) The board shall:
- 716 (a) receive reports from the Office of the Property Rights Ombudsman that are
- 717 requested by the board;
- 718 (b) establish rules of conduct and performance for the Office of the Property Rights
- 719 Ombudsman;
- 720 (c) receive donations or contributions from any source for the Office of the Property
- 721 Rights Ombudsman's benefit;
- 722 (d) subject to any restriction placed on a donation or contribution received under
- 723 Subsection (9)(c), authorize the expenditure of donations or contributions for the Office of the
- 724 Property Rights Ombudsman's benefit;
- 725 (e) receive budget recommendations from the Office of the Property Rights
- 726 Ombudsman; and
- 727 (f) revise budget recommendations received under Subsection (9)(e).
- 728 (10) The board shall maintain a resource list of qualified arbitrators and mediators who
- 729 may be appointed under Section [13-43-204](#) and qualified persons who may be appointed to
- 730 render advisory opinions under Section [13-43-205](#).
- 731 Section 9. Section **15A-1-202** is amended to read:
- 732 **15A-1-202. Definitions.**
- 733 As used in this chapter:
- 734 (1) "Agricultural use" means a use that relates to the tilling of soil and raising of crops,
- 735 or keeping or raising domestic animals.
- 736 (2) (a) "Approved code" means a code, including the standards and specifications
- 737 contained in the code, approved by the division under Section [15A-1-204](#) for use by a
- 738 compliance agency.
- 739 (b) "Approved code" does not include the State Construction Code.
- 740 (3) "Building" means a structure used or intended for supporting or sheltering any use

741 or occupancy and any improvements attached to it.

742 (4) "Code" means:

743 (a) the State Construction Code; or

744 (b) an approved code.

745 (5) "Commission" means the Uniform Building Code Commission created in Section
746 [15A-1-203](#).

747 (6) "Compliance agency" means:

748 (a) an agency of the state or any of its political subdivisions which issues permits for
749 construction regulated under the codes;

750 (b) any other agency of the state or its political subdivisions specifically empowered to
751 enforce compliance with the codes; or

752 (c) any other state agency which chooses to enforce codes adopted under this chapter
753 by authority given the agency under a title other than this part and Part 3, Factory Built
754 Housing and Modular Units Administration Act.

755 (7) "Construction code" means standards and specifications published by a nationally
756 recognized code authority for use in circumstances described in Subsection [15A-1-204\(1\)](#),
757 including:

758 (a) a building code;

759 (b) an electrical code;

760 (c) a residential one and two family dwelling code;

761 (d) a plumbing code;

762 (e) a mechanical code;

763 (f) a fuel gas code;

764 (g) an energy conservation code;

765 (h) a swimming pool and spa code; and

766 (i) a manufactured housing installation standard code.

767 (8) "Construction project" means the same as that term is defined in Section [38-1a-102](#).

768 [~~8~~] (9) "Executive director" means the executive director of the Department of
769 Commerce.

770 [~~9~~] (10) "Legislative action" includes legislation that:

771 (a) adopts a new State Construction Code;

772 (b) amends the State Construction Code; or

773 (c) repeals one or more provisions of the State Construction Code.

774 ~~[(10)]~~ (11) "Local regulator" means a political subdivision of the state that is
775 empowered to engage in the regulation of construction, alteration, remodeling, building, repair,
776 and other activities subject to the codes.

777 (12) "Membrane-covered frame structure" means a nonpressurized building with a
778 structure composed of a rigid framework to support a tensioned membrane that provides a
779 weather barrier.

780 ~~[(11)]~~ (13) "Not for human occupancy" means use of a structure for purposes other
781 than protection or comfort of human beings, but allows people to enter the structure for:

782 (a) maintenance and repair; and

783 (b) the care of livestock, crops, or equipment intended for agricultural use which are
784 kept there.

785 ~~[(12)]~~ (14) "Opinion" means a written, nonbinding, and advisory statement issued by
786 the commission concerning an interpretation of the meaning of the codes or the application of
787 the codes in a specific circumstance issued in response to a specific request by a party to the
788 issue.

789 (15) "Remote yurt" means a membrane-covered frame structure that:

790 (a) is no larger than 710 square feet;

791 (b) is not used as a permanent residence;

792 (c) is located in an unincorporated county area that is not zoned for residential,
793 commercial, industrial, or agricultural use;

794 (d) does not have plumbing or electricity;

795 (e) is set back at least 300 feet from any river, stream, lake, or other body of water; and

796 (f) is registered with the local health department.

797 ~~[(13)]~~ (16) "State regulator" means an agency of the state which is empowered to
798 engage in the regulation of construction, alteration, remodeling, building, repair, and other
799 activities subject to the codes adopted pursuant to this chapter.

800 Section 10. Section **15A-1-204 (Superseded 07/01/21)** is amended to read:

801 **15A-1-204 (Superseded 07/01/21). Adoption of State Construction Code --**

802 **Amendments by commission -- Approved codes -- Exemptions.**

803 (1) (a) The State Construction Code is the construction codes adopted with any
804 modifications in accordance with this section that the state and each political subdivision of the
805 state shall follow.

806 (b) A person shall comply with the applicable provisions of the State Construction
807 Code when:

808 (i) new construction is involved; and

809 (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:

810 (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,

811 conservation, or reconstruction of the building; or

812 (B) changing the character or use of the building in a manner that increases the
813 occupancy loads, other demands, or safety risks of the building.

814 (c) On and after July 1, 2010, the State Construction Code is the State Construction
815 Code in effect on July 1, 2010, until in accordance with this section:

816 (i) a new State Construction Code is adopted; or

817 (ii) one or more provisions of the State Construction Code are amended or repealed in
818 accordance with this section.

819 (d) A provision of the State Construction Code may be applicable:

820 (i) to the entire state; or

821 (ii) within a county, city, or town.

822 (2) (a) The Legislature shall adopt a State Construction Code by enacting legislation
823 that adopts a nationally recognized construction code with any modifications.

824 (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect
825 on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the
826 legislation.

827 (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is
828 the State Construction Code until, in accordance with this section, the Legislature adopts a new
829 State Construction Code by:

830 (i) adopting a new State Construction Code in its entirety; or

831 (ii) amending or repealing one or more provisions of the State Construction Code.

832 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally
833 recognized construction code, the commission shall prepare a report described in Subsection

834 (4).

835 (b) For the provisions of a nationally recognized construction code that apply only to
836 detached one- and two-family dwellings and townhouses not more than three stories above
837 grade plane in height with separate means of egress and their accessory structures, the
838 commission shall:

839 (i) prepare a report described in Subsection (4) in 2021 and, thereafter, for every
840 second update of the nationally recognized construction code; and

841 (ii) not prepare a report described in Subsection (4) in 2018.

842 (4) (a) In accordance with Subsection (3), on or before September 1 of the same year as
843 the year designated in the title of a nationally recognized construction code, the commission
844 shall prepare and submit, in accordance with Section 68-3-14, a written report to the Business
845 and Labor Interim Committee that:

846 (i) states whether the commission recommends the Legislature adopt the update with
847 any modifications; and

848 (ii) describes the costs and benefits of each recommended change in the update or in
849 any modification.

850 (b) After the Business and Labor Interim Committee receives the report described in
851 Subsection (4)(a), the Business and Labor Interim Committee shall:

852 (i) study the recommendations; and

853 (ii) if the Business and Labor Interim Committee decides to recommend legislative
854 action to the Legislature, prepare legislation for consideration by the Legislature in the next
855 general session.

856 (5) (a) (i) The commission shall, by no later than September 1 of each year in which
857 the commission is not required to submit a report described in Subsection (4), submit, in
858 accordance with Section 68-3-14, a written report to the Business and Labor Interim
859 Committee recommending whether the Legislature should amend or repeal one or more
860 provisions of the State Construction Code.

861 (ii) As part of a recommendation described in Subsection (5)(a)(i), the commission
862 shall describe the costs and benefits of each proposed amendment or repeal.

863 (b) The commission may recommend legislative action related to the State
864 Construction Code:

- 865 (i) on its own initiative;
- 866 (ii) upon the recommendation of the division; or
- 867 (iii) upon the receipt of a request by one of the following that the commission
- 868 recommend legislative action related to the State Construction Code:
- 869 (A) a local regulator;
- 870 (B) a state regulator;
- 871 (C) a state agency involved with the construction and design of a building;
- 872 (D) the Construction Services Commission;
- 873 (E) the Electrician Licensing Board;
- 874 (F) the Plumbers Licensing Board; or
- 875 (G) a recognized construction-related association.
- 876 (c) If the Business and Labor Interim Committee decides to recommend legislative
- 877 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
- 878 for consideration by the Legislature in the next general session.
- 879 (6) (a) Notwithstanding the provisions of this section, the commission may, in
- 880 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State
- 881 Construction Code if the commission determines that waiting for legislative action in the next
- 882 general legislative session would:
- 883 (i) cause an imminent peril to the public health, safety, or welfare; or
- 884 (ii) place a person in violation of federal or other state law.
- 885 (b) If the commission amends the State Construction Code in accordance with this
- 886 Subsection (6), the commission shall file with the division:
- 887 (i) the text of the amendment to the State Construction Code; and
- 888 (ii) an analysis that includes the specific reasons and justifications for the commission's
- 889 findings.
- 890 (c) If the State Construction Code is amended under this Subsection (6), the division
- 891 shall:
- 892 (i) publish the amendment to the State Construction Code in accordance with Section
- 893 [15A-1-205](#); and
- 894 (ii) prepare and submit, in accordance with Section [68-3-14](#), a written notice to the
- 895 Business and Labor Interim Committee containing the amendment to the State Construction

896 Code, including a copy of the commission's analysis described in Subsection (6)(b)(ii).

897 (d) If not formally adopted by the Legislature at the next annual general session, an
898 amendment to the State Construction Code under this Subsection (6) is repealed on the July 1
899 immediately following the next annual general session that follows the adoption of the
900 amendment.

901 (7) (a) The division, in consultation with the commission, may approve, without
902 adopting, one or more approved codes, including a specific edition of a construction code, for
903 use by a compliance agency.

904 (b) If the code adopted by a compliance agency is an approved code described in
905 Subsection (7)(a), the compliance agency may:

906 (i) adopt an ordinance requiring removal, demolition, or repair of a building;

907 (ii) adopt, by ordinance or rule, a dangerous building code; or

908 (iii) adopt, by ordinance or rule, a building rehabilitation code.

909 (8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in
910 state law, a state executive branch entity or political subdivision of the state may not, after
911 December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject
912 specifically addressed by, and that is more restrictive than, the State Construction Code.

913 (9) A state executive branch entity or political subdivision of the state may:

914 (a) enforce a federal law or regulation;

915 (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or
916 requirement applies only to a facility or construction owned or used by a state entity or a
917 political subdivision of the state; or

918 (c) enforce a rule, ordinance, or requirement:

919 (i) that the state executive branch entity or political subdivision adopted or made
920 effective before July 1, 2015; and

921 (ii) for which the state executive branch entity or political subdivision can demonstrate,
922 with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an
923 individual from a condition likely to cause imminent injury or death.

924 (10) The Department of Health or the Department of Environmental Quality may
925 enforce a rule or requirement adopted before January 1, 2015.

926 (11) (a) Except as provided in Subsection (11)(b), a structure used solely in

927 conjunction with agriculture use, and not for human occupancy, or a structure that is no more
 928 than 1,500 square feet and used solely for the type of sales described in Subsection
 929 [59-12-104](#)(20), is exempt from the requirements of the State Construction Code.

930 (b) (i) Unless exempted by a provision other than Subsection (11)(a), a plumbing,
 931 electrical, and mechanical permit may be required when that work is included in a structure
 932 described in Subsection (11)(a).

933 (ii) Unless located in whole or in part in an agricultural protection area created under
 934 Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection
 935 Areas, a structure described in Subsection (11)(a) is not exempt from a permit requirement if
 936 the structure is located on land that is:

937 (A) within the boundaries of a city or town, and less than five contiguous acres; or

938 (B) within a subdivision for which the county has approved a subdivision plat under
 939 Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

940 [~~(12) (a) As used in this Subsection (12):~~]

941 [~~(i) "Membrane-covered frame structure" means a nonpressurized building wherein the
 942 structure is composed of a rigid framework to support a tensioned membrane that provides the
 943 weather barrier.]~~

944 [~~(ii) "Remote yurt" means a membrane-covered frame structure that:~~]

945 [~~(A) is no larger than 710 square feet;~~]

946 [~~(B) is not used as a permanent residence;~~]

947 [~~(C) is located in an unincorporated county area that is not zoned for residential,
 948 commercial, industrial, or agricultural use;~~]

949 [~~(D) does not have plumbing or electricity;~~]

950 [~~(E) is set back at least 300 feet from any river, stream, lake, or other body of water;~~

951 ~~and]~~

952 [~~(F) registers with the local health department.]~~

953 [~~(b)~~] (12) (a) A remote yurt is exempt from the State Construction Code including the
 954 permit requirements of the State Construction Code.

955 [~~(c)~~] (b) Notwithstanding Subsection (12)[~~(b)~~](a), a county may by ordinance require
 956 remote yurts to comply with the State Construction Code, if the ordinance requires the remote
 957 yurts to comply with all of the following:

- 958 (i) the State Construction Code;
- 959 (ii) notwithstanding Section 15A-5-104, the State Fire Code; and
- 960 (iii) notwithstanding Section 19-5-125, Title 19, Chapter 5, Water Quality Act, rules
- 961 made under that chapter, and local health department's jurisdiction over onsite wastewater
- 962 disposal.

963 Section 11. Section 15A-1-204 (Effective 07/01/21) is amended to read:

964 **15A-1-204 (Effective 07/01/21). Adoption of State Construction Code --**
965 **Amendments by commission -- Approved codes -- Exemptions.**

966 (1) (a) The State Construction Code is the construction codes adopted with any
967 modifications in accordance with this section that the state and each political subdivision of the
968 state shall follow.

969 (b) A person shall comply with the applicable provisions of the State Construction
970 Code when:

- 971 (i) new construction is involved; and
- 972 (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
 - 973 (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,
 - 974 conservation, or reconstruction of the building; or
 - 975 (B) changing the character or use of the building in a manner that increases the
 - 976 occupancy loads, other demands, or safety risks of the building.

977 (c) On and after July 1, 2010, the State Construction Code is the State Construction
978 Code in effect on July 1, 2010, until in accordance with this section:

- 979 (i) a new State Construction Code is adopted; or
- 980 (ii) one or more provisions of the State Construction Code are amended or repealed in
- 981 accordance with this section.

982 (d) A provision of the State Construction Code may be applicable:

- 983 (i) to the entire state; or
- 984 (ii) within a county, city, or town.

985 (2) (a) The Legislature shall adopt a State Construction Code by enacting legislation
986 that adopts a nationally recognized construction code with any modifications.

987 (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect
988 on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the

989 legislation.

990 (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is
991 the State Construction Code until, in accordance with this section, the Legislature adopts a new
992 State Construction Code by:

993 (i) adopting a new State Construction Code in its entirety; or

994 (ii) amending or repealing one or more provisions of the State Construction Code.

995 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally
996 recognized construction code, the commission shall prepare a report described in Subsection
997 (4).

998 (b) For the provisions of a nationally recognized construction code that apply only to
999 detached one- and two-family dwellings and townhouses not more than three stories above
1000 grade plane in height with separate means of egress and their accessory structures, the
1001 commission shall prepare a report described in Subsection (4) in 2022 and, thereafter, for every
1002 second update of the nationally recognized construction code.

1003 (4) (a) In accordance with Subsection (3), on or before September 1 of the year after
1004 the year designated in the title of a nationally recognized construction code, the commission
1005 shall prepare and submit, in accordance with Section 68-3-14, a written report to the Business
1006 and Labor Interim Committee that:

1007 (i) states whether the commission recommends the Legislature adopt the update with
1008 any modifications; and

1009 (ii) describes the costs and benefits of each recommended change in the update or in
1010 any modification.

1011 (b) After the Business and Labor Interim Committee receives the report described in
1012 Subsection (4)(a), the Business and Labor Interim Committee shall:

1013 (i) study the recommendations; and

1014 (ii) if the Business and Labor Interim Committee decides to recommend legislative
1015 action to the Legislature, prepare legislation for consideration by the Legislature in the next
1016 general session.

1017 (5) (a) (i) The commission shall, by no later than September 1 of each year in which
1018 the commission is not required to submit a report described in Subsection (4), submit, in
1019 accordance with Section 68-3-14, a written report to the Business and Labor Interim

1020 Committee recommending whether the Legislature should amend or repeal one or more
1021 provisions of the State Construction Code.

1022 (ii) As part of a recommendation described in Subsection (5)(a)(i), the commission
1023 shall describe the costs and benefits of each proposed amendment or repeal.

1024 (b) The commission may recommend legislative action related to the State
1025 Construction Code:

1026 (i) on the commission's own initiative;

1027 (ii) upon the recommendation of the division; or

1028 (iii) upon the receipt of a request by one of the following that the commission
1029 recommend legislative action related to the State Construction Code:

1030 (A) a local regulator;

1031 (B) a state regulator;

1032 (C) a state agency involved with the construction and design of a building;

1033 (D) the Construction Services Commission;

1034 (E) the Electrician Licensing Board;

1035 (F) the Plumbers Licensing Board; or

1036 (G) a recognized construction-related association.

1037 (c) If the Business and Labor Interim Committee decides to recommend legislative
1038 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
1039 for consideration by the Legislature in the next general session.

1040 (6) (a) Notwithstanding the provisions of this section, the commission may, in
1041 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State
1042 Construction Code if the commission determines that waiting for legislative action in the next
1043 general legislative session would:

1044 (i) cause an imminent peril to the public health, safety, or welfare; or

1045 (ii) place a person in violation of federal or other state law.

1046 (b) If the commission amends the State Construction Code in accordance with this
1047 Subsection (6), the commission shall file with the division:

1048 (i) the text of the amendment to the State Construction Code; and

1049 (ii) an analysis that includes the specific reasons and justifications for the commission's
1050 findings.

1051 (c) If the State Construction Code is amended under this Subsection (6), the division
1052 shall:

1053 (i) publish the amendment to the State Construction Code in accordance with Section
1054 [15A-1-205](#); and

1055 (ii) prepare and submit, in accordance with Section [68-3-14](#), a written notice to the
1056 Business and Labor Interim Committee containing the amendment to the State Construction
1057 Code, including a copy of the commission's analysis described in Subsection (6)(b)(ii).

1058 (d) If not formally adopted by the Legislature at the next annual general session, an
1059 amendment to the State Construction Code under this Subsection (6) is repealed on the July 1
1060 immediately following the next annual general session that follows the adoption of the
1061 amendment.

1062 (7) (a) The division, in consultation with the commission, may approve, without
1063 adopting, one or more approved codes, including a specific edition of a construction code, for
1064 use by a compliance agency.

1065 (b) If the code adopted by a compliance agency is an approved code described in
1066 Subsection (7)(a), the compliance agency may:

1067 (i) adopt an ordinance requiring removal, demolition, or repair of a building;

1068 (ii) adopt, by ordinance or rule, a dangerous building code; or

1069 (iii) adopt, by ordinance or rule, a building rehabilitation code.

1070 (8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in
1071 state law, a state executive branch entity or political subdivision of the state may not, after
1072 December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject
1073 specifically addressed by, and that is more restrictive than, the State Construction Code.

1074 (9) A state executive branch entity or political subdivision of the state may:

1075 (a) enforce a federal law or regulation;

1076 (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or
1077 requirement applies only to a facility or construction owned or used by a state entity or a
1078 political subdivision of the state; or

1079 (c) enforce a rule, ordinance, or requirement:

1080 (i) that the state executive branch entity or political subdivision adopted or made
1081 effective before July 1, 2015; and

1082 (ii) for which the state executive branch entity or political subdivision can demonstrate,
1083 with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an
1084 individual from a condition likely to cause imminent injury or death.

1085 (10) The Department of Health or the Department of Environmental Quality may
1086 enforce a rule or requirement adopted before January 1, 2015.

1087 (11) (a) Except as provided in Subsection (11)(b), a structure used solely in
1088 conjunction with agriculture use, and not for human occupancy, or a structure that is no more
1089 than 1,500 square feet and used solely for the type of sales described in Subsection
1090 59-12-104(20), is exempt from the requirements of the State Construction Code.

1091 (b) (i) Unless exempted by a provision other than Subsection (11)(a), a plumbing,
1092 electrical, and mechanical permit may be required when that work is included in a structure
1093 described in Subsection (11)(a).

1094 (ii) Unless located in whole or in part in an agricultural protection area created under
1095 Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection
1096 Areas, a structure described in Subsection (11)(a) is not exempt from a permit requirement if
1097 the structure is located on land that is:

1098 (A) within the boundaries of a city or town, and less than five contiguous acres; or

1099 (B) within a subdivision for which the county has approved a subdivision plat under
1100 Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

1101 [~~(12) (a) As used in this Subsection (12):~~]

1102 [~~(i) "Membrane-covered frame structure" means a nonpressurized building wherein the
1103 structure is composed of a rigid framework to support a tensioned membrane that provides the
1104 weather barrier.~~]

1105 [~~(ii) "Remote yurt" means a membrane-covered frame structure that:~~]

1106 [~~(A) is no larger than 710 square feet;~~]

1107 [~~(B) is not used as a permanent residence;~~]

1108 [~~(C) is located in an unincorporated county area that is not zoned for residential,
1109 commercial, industrial, or agricultural use;~~]

1110 [~~(D) does not have plumbing or electricity;~~]

1111 [~~(E) is set back at least 300 feet from any river, stream, lake, or other body of water;~~

1112 and]

1113 ~~[(f)] registers with the local health department.]~~

1114 ~~[(b)]~~ (12) (a) A remote yurt is exempt from the State Construction Code including the
1115 permit requirements of the State Construction Code.

1116 ~~[(c)]~~ (b) Notwithstanding Subsection (12)~~[(b)]~~(a), a county may by ordinance require
1117 remote yurts to comply with the State Construction Code, if the ordinance requires the remote
1118 yurts to comply with all of the following:

1119 (i) the State Construction Code;

1120 (ii) notwithstanding Section 15A-5-104, the State Fire Code; and

1121 (iii) notwithstanding Section 19-5-125, Title 19, Chapter 5, Water Quality Act, rules
1122 made under that chapter, and local health department's jurisdiction over onsite wastewater
1123 disposal.

1124 Section 12. Section 15A-5-104 is amended to read:

1125 **15A-5-104. Exemptions from State Fire Code.**

1126 (1) As used in this section, "remote yurt" means the same as that term is defined in

1127 ~~[Subsection 15A-1-204(12)]~~ Section 15A-1-202.

1128 (2) A remote yurt is exempt from the State Fire Code unless otherwise provided by
1129 ordinance in accordance with Subsection 15A-1-204(12)~~[(c)]~~(b).

1130 (3) An owner of a remote yurt shall ensure that a fire extinguisher is in the remote yurt.

1131 Section 13. Section 17-27a-403 is amended to read:

1132 **17-27a-403. Plan preparation.**

1133 (1) (a) The planning commission shall provide notice, as provided in Section
1134 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
1135 plan or a comprehensive general plan amendment when the planning commission initiates the
1136 process of preparing its recommendation.

1137 (b) The planning commission shall make and recommend to the legislative body a
1138 proposed general plan for:

1139 (i) the unincorporated area within the county; or

1140 (ii) if the planning commission is a planning commission for a mountainous planning
1141 district, the mountainous planning district.

1142 (c) (i) The plan may include planning for incorporated areas if, in the planning
1143 commission's judgment, they are related to the planning of the unincorporated territory or of

1144 the county as a whole.

1145 (ii) Elements of the county plan that address incorporated areas are not an official plan
1146 or part of a municipal plan for any municipality, unless the county plan is recommended by the
1147 municipal planning commission and adopted by the governing body of the municipality.

1148 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1149 and descriptive and explanatory matter, shall include the planning commission's
1150 recommendations for the following plan elements:

1151 (i) a land use element that:

1152 (A) designates the long-term goals and the proposed extent, general distribution, and
1153 location of land for housing for residents of various income levels, business, industry,
1154 agriculture, recreation, education, public buildings and grounds, open space, and other
1155 categories of public and private uses of land as appropriate; and

1156 (B) may include a statement of the projections for and standards of population density
1157 and building intensity recommended for the various land use categories covered by the plan;

1158 (ii) a transportation and traffic circulation element that:

1159 (A) provides the general location and extent of existing and proposed freeways, arterial
1160 and collector streets, public transit, active transportation facilities, and other modes of
1161 transportation that the planning commission considers appropriate;

1162 (B) addresses the county's plan for residential and commercial development around
1163 major transit investment corridors to maintain and improve the connections between housing,
1164 employment, education, recreation, and commerce; and

1165 (C) correlates with the population projections, the employment projections, and the
1166 proposed land use element of the general plan;

1167 (iii) a plan for the development of additional moderate income housing within the
1168 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1169 realistic opportunity to meet the need for additional moderate income housing; and

1170 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1171 and policies required by Subsection [17-27a-401\(3\)](#).

1172 (b) In drafting the moderate income housing element, the planning commission:

1173 (i) shall consider the Legislature's determination that counties should facilitate a
1174 reasonable opportunity for a variety of housing, including moderate income housing:

1175 (A) to meet the needs of people of various income levels living, working, or desiring to
1176 live or work in the community; and

1177 (B) to allow people with various incomes to benefit from and fully participate in all
1178 aspects of neighborhood and community life; and

1179 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1180 the development of moderate income housing within the planning horizon, which may include
1181 a recommendation to implement three or more of the following strategies:

1182 (A) rezone for densities necessary to assure the production of moderate income
1183 housing;

1184 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1185 construction of moderate income housing;

1186 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
1187 income housing;

1188 (D) consider county general fund subsidies or other sources of revenue to waive
1189 construction related fees that are otherwise generally imposed by the county;

1190 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1191 residential zones;

1192 (F) allow for higher density or moderate income residential development in
1193 commercial and mixed-use zones, commercial centers, or employment centers;

1194 (G) encourage higher density or moderate income residential development near major
1195 transit investment corridors;

1196 (H) eliminate or reduce parking requirements for residential development where a
1197 resident is less likely to rely on the resident's own vehicle, such as residential development near
1198 major transit investment corridors or senior living facilities;

1199 (I) allow for single room occupancy developments;

1200 (J) implement zoning incentives for low to moderate income units in new
1201 developments;

1202 (K) utilize strategies that preserve subsidized low to moderate income units on a
1203 long-term basis;

1204 (L) preserve existing moderate income housing;

1205 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate

- 1206 income housing;
- 1207 (N) participate in a community land trust program for low or moderate income
- 1208 housing;
- 1209 (O) implement a mortgage assistance program for employees of the county or of an
- 1210 employer that provides contracted services for the county;
- 1211 (P) apply for or partner with an entity that applies for state or federal funds or tax
- 1212 incentives to promote the construction of moderate income housing;
- 1213 (Q) apply for or partner with an entity that applies for programs offered by the Utah
- 1214 Housing Corporation within that agency's funding capacity;
- 1215 (R) apply for or partner with an entity that applies for affordable housing programs
- 1216 administered by the Department of Workforce Services;
- 1217 (S) apply for or partner with an entity that applies for services provided by a public
- 1218 housing authority to preserve and create moderate income housing;
- 1219 (T) apply for or partner with an entity that applies for programs administered by a
- 1220 metropolitan planning organization or other transportation agency that provides technical
- 1221 planning assistance;
- 1222 (U) utilize a moderate income housing set aside from a community reinvestment
- 1223 agency, redevelopment agency, or community development and renewal agency; and
- 1224 ~~[(V) reduce residential building design elements as defined in Section 10-9a-403; and]~~
- 1225 ~~[(W)]~~ (V) consider any other program or strategy implemented by the county to address
- 1226 the housing needs of residents of the county who earn less than 80% of the area median
- 1227 income.
- 1228 (c) In drafting the land use element, the planning commission shall:
- 1229 (i) identify and consider each agriculture protection area within the unincorporated area
- 1230 of the county or mountainous planning district; and
- 1231 (ii) avoid proposing a use of land within an agriculture protection area that is
- 1232 inconsistent with or detrimental to the use of the land for agriculture.
- 1233 (d) In drafting the transportation and traffic circulation element, the planning
- 1234 commission shall:
- 1235 (i) consider the regional transportation plan developed by its region's metropolitan
- 1236 planning organization, if the relevant areas of the county are within the boundaries of a

1237 metropolitan planning organization; or
1238 (ii) consider the long-range transportation plan developed by the Department of
1239 Transportation, if the relevant areas of the county are not within the boundaries of a
1240 metropolitan planning organization.

1241 (3) The proposed general plan may include:
1242 (a) an environmental element that addresses:
1243 (i) to the extent not covered by the county's resource management plan, the protection,
1244 conservation, development, and use of natural resources, including the quality of air, forests,
1245 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1246 and
1247 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1248 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1249 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1250 protection of watersheds and wetlands, and the mapping of known geologic hazards;
1251 (b) a public services and facilities element showing general plans for sewage, water,
1252 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1253 police and fire protection, and other public services;
1254 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1255 programs for:
1256 (i) historic preservation;
1257 (ii) the diminution or elimination of a development impediment as defined in Section
1258 [17C-1-102](#); and
1259 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1260 public building sites;
1261 (d) an economic element composed of appropriate studies and forecasts, as well as an
1262 economic development plan, which may include review of existing and projected county
1263 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1264 primary and secondary market areas, employment, and retail sales activity;
1265 (e) recommendations for implementing all or any portion of the general plan, including
1266 the use of land use ordinances, capital improvement plans, community development and
1267 promotion, and any other appropriate action;

1268 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or
1269 (3)(a)(i); and

1270 (g) any other element the county considers appropriate.

1271 Section 14. Section **17-27a-530** is enacted to read:

1272 **17-27a-530. Regulation of building design elements prohibited -- Exceptions.**

1273 (1) As used in this section, "building design element" means:

1274 (a) exterior color;

1275 (b) type or style of exterior cladding material;

1276 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;

1277 (d) exterior nonstructural architectural ornamentation;

1278 (e) location, design, placement, or architectural styling of a window or door;

1279 (f) location, design, placement, or architectural styling of a garage door, not including a
1280 rear-loading garage door;

1281 (g) number or type of rooms;

1282 (h) interior layout of a room;

1283 (i) minimum square footage over 1,000 square feet, not including a garage;

1284 (j) rear yard landscaping requirements;

1285 (k) minimum building dimensions; or

1286 (l) a requirement to install front yard fencing.

1287 (2) Except as provided in Subsection (3), a county may not impose a requirement for a
1288 building design element on a one to two family dwelling.

1289 (3) Subsection (2) does not apply to:

1290 (a) a dwelling located within an area designated as a historic district in:

1291 (i) the National Register of Historic Places;

1292 (ii) the state register as defined in Section [9-8-402](#); or

1293 (iii) a local historic district or area, or a site designated as a local landmark, created by
1294 ordinance before January 1, 2021;

1295 (b) an ordinance enacted as a condition for participation in the National Flood
1296 Insurance Program administered by the Federal Emergency Management Agency;

1297 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
1298 Interface Code adopted under Section [15A-2-103](#);

- 1299 (d) building design elements agreed to under a development agreement;
- 1300 (e) a dwelling located within an area that:
- 1301 (i) is zoned primarily for residential use; and
- 1302 (ii) was substantially developed before calendar year 1950;
- 1303 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 1304 (g) an ordinance enacted to regulate type of cladding, in response to findings or
- 1305 evidence from the construction industry of:
- 1306 (i) defects in the material of existing cladding; or
- 1307 (ii) consistent defects in the installation of existing cladding; or
- 1308 (h) a land use regulation, including a planned unit development or overlay zone, that a
- 1309 property owner requests:
- 1310 (i) the county to apply to the owner's property; and
- 1311 (ii) in exchange for an increase in density or other benefit not otherwise available as a
- 1312 permitted use in the zoning area or district.

Section 15. Section **17-36-55** is amended to read:

17-36-55. Fees collected for construction approval -- Approval of plans.

(1) As used in this section:

(a) "Business day" means a day other than Saturday, Sunday, or a legal holiday.

~~[(a)]~~ (b) "Construction project" means the same as that term is defined in Section 38-1a-102.

~~[(b)]~~ (c) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:

- (i) a bed and breakfast establishment;
- (ii) a boarding house;
- (iii) a dormitory;
- (iv) a hotel;
- (v) an inn;
- (vi) a lodging house;
- (vii) a motel;
- (viii) a resort; or
- (ix) a rooming house.

1330 ~~[(e)]~~ (d) "Planning review" means a review to verify that a county has approved the
1331 following elements of a construction project:

- 1332 (i) zoning;
- 1333 (ii) lot sizes;
- 1334 (iii) setbacks;
- 1335 (iv) easements;
- 1336 (v) curb and gutter elevations;
- 1337 (vi) grades and slopes;
- 1338 (vii) utilities;
- 1339 (viii) street names;
- 1340 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
1341 Interface Code adopted under Section [15A-2-103](#); and
- 1342 (x) subdivision.

1343 ~~[(d)]~~ (e) (i) "Plan review" means all of the reviews and approvals of a plan that a
1344 county requires to obtain a building permit from the county with a scope that may not exceed a
1345 review to verify:

1346 (A) that the construction project complies with the provisions of the State Construction
1347 Code under Title 15A, State Construction and Fire Codes Act;

1348 (B) that the construction project complies with the energy code adopted under Section
1349 [15A-2-103](#);

1350 (C) that the construction project received a planning review;

1351 (D) that the applicant paid any required fees;

1352 (E) that the applicant obtained final approvals from any other required reviewing
1353 agencies;

1354 (F) that the construction project complies with federal, state, and local storm water
1355 protection laws;

1356 (G) that the construction project received a structural review;

1357 (H) the total square footage for each building level of finished, garage, and unfinished
1358 space; and

1359 (I) that the plans include a printed statement indicating that the actual construction will
1360 comply with applicable local ordinances and the state construction codes.

- 1361 (ii) "Plan review" does not mean a review of a document:
- 1362 (A) required to be re-submitted for a construction project other than a construction
- 1363 project for a one to two family dwelling or townhome if additional modifications or substantive
- 1364 changes are identified by the plan review;
- 1365 (B) submitted as part of a deferred submittal when requested by the applicant and
- 1366 approved by the building official; or
- 1367 (C) that, due to the document's technical nature or on the request of the applicant, is
- 1368 reviewed by a third party.
- 1369 [~~e~~] (f) "State Construction Code" means the same as that term is defined in Section
- 1370 [15A-1-102](#).
- 1371 [~~f~~] (g) "State Fire Code" means the same as that term is defined in Section
- 1372 [15A-1-102](#).
- 1373 [~~g~~] (h) "Structural review" means:
- 1374 (i) a review that verifies that a construction project complies with the following:
- 1375 (A) footing size and bar placement;
- 1376 (B) foundation thickness and bar placement;
- 1377 (C) beam and header sizes;
- 1378 (D) nailing patterns;
- 1379 (E) bearing points;
- 1380 (F) structural member size and span; and
- 1381 (G) sheathing; or
- 1382 (ii) if the review exceeds the scope of the review described in Subsection (1)[~~g~~](h)(i),
- 1383 a review that a licensed engineer conducts.
- 1384 [~~h~~] (i) "Technical nature" means a characteristic that places an item outside the
- 1385 training and expertise of an individual who regularly performs plan reviews.
- 1386 (2) (a) If a county collects a fee for the inspection of a construction project, the county
- 1387 shall ensure that the construction project receives a prompt inspection.
- 1388 (b) If a county cannot provide a building inspection within three business days after the
- 1389 day on which the county receives the request for the inspection, the county shall promptly
- 1390 engage an independent inspector with fees collected from the applicant.
- 1391 (c) If an inspector identifies one or more violations of the State Construction Code or

1392 State Fire Code during an inspection, the inspector shall give the permit holder written
1393 notification that:

- 1394 (i) identifies each violation;
- 1395 (ii) upon request by the permit holder, includes a reference to each applicable provision
1396 of the State Construction Code or State Fire Code; and
- 1397 (iii) is delivered:
 - 1398 (A) in hardcopy or by electronic means; and
 - 1399 (B) the day on which the inspection occurs.

1400 (3) (a) A county shall complete a plan review of a construction project for a one to two
1401 family dwelling or townhome by no later than 14 business days after the day on which the ~~[plan~~
1402 ~~is submitted]~~ applicant submits a complete building permit application to the county.

1403 (b) A county shall complete a plan review of a construction project for a residential
1404 structure built under the International Building Code, not including a lodging establishment, by
1405 no later than 21 business days after the day on which the ~~[plan is submitted]~~ applicant submits
1406 a complete building permit application to the county.

1407 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
1408 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
1409 that the county complete the plan review.

1410 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
1411 the plan review no later than:

- 1412 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
1413 applicant makes the request; or
- 1414 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
1415 applicant makes the request.

1416 (d) An applicant may:

- 1417 (i) waive the plan review time requirements described in this Subsection (3); or
- 1418 (ii) with the county's consent, establish an alternative plan review time requirement.

1419 (4) ~~(a)~~ A county may not enforce a requirement to have a plan review if:

- 1420 ~~(i)~~ (a) the county does not complete the plan review within the time period described
1421 in Subsection (3)(a) or (b); and
- 1422 ~~(ii)~~ (b) a licensed architect or structural engineer, or both when required by law,

1423 stamps the plan.

1424 ~~[(b)]~~ (5) (a) A county may attach to a reviewed plan a list that includes:

1425 (i) items with which the county is concerned and may enforce during construction; and

1426 (ii) building code violations found in the plan.

1427 ~~[(c)]~~ (b) A county may not require an applicant to redraft a plan if the county requests

1428 minor changes to the plan that the list described in Subsection ~~[(4)(b)]~~ (5)(a) identifies.

1429 ~~[(5) An applicant shall ensure that each construction project plan submitted for a plan~~

1430 ~~review under this section has a statement indicating that actual construction will comply with~~

1431 ~~applicable local ordinances and building codes.]~~

1432 (c) A county may require a single resubmittal of plans for a one or two family dwelling

1433 or townhome if the resubmission is required to address deficiencies identified by a third-party

1434 review of a geotechnical report or geological report.

1435 (6) If a county charges a fee for a building permit, the county may not refuse payment

1436 of the fee at the time the applicant submits a building permit application under Subsection (3).

1437 (7) A county may not limit the number of building permit applications submitted under

1438 Subsection (3).

1439 (8) For purposes of Subsection (3), a building permit application is complete if the

1440 application contains:

1441 (a) the name, address, and contact information of:

1442 (i) the applicant; and

1443 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for

1444 the construction project;

1445 (b) a site plan for the construction project that:

1446 (i) is drawn to scale;

1447 (ii) includes a north arrow and legend; and

1448 (iii) provides specifications for the following:

1449 (A) lot size and dimensions;

1450 (B) setbacks and overhangs for setbacks;

1451 (C) easements;

1452 (D) property lines;

1453 (E) topographical details, if the slope of the lot is greater than 10%;

- 1454 (F) retaining walls;
- 1455 (G) hard surface areas;
- 1456 (H) curb and gutter elevations as indicated in the subdivision documents;
- 1457 (I) utilities, including water meter and sewer lateral location;
- 1458 (J) street names;
- 1459 (K) driveway locations;
- 1460 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban

1461 Interface Code adopted under Section 15A-2-103; and

- 1462 (M) the location of the nearest hydrant;
- 1463 (c) construction plans and drawings, including:
- 1464 (i) elevations, only if the construction project is new construction;
- 1465 (ii) floor plans for each level, including the location and size of doors and windows;
- 1466 (iii) foundation, structural, and framing detail; and
- 1467 (iv) electrical, mechanical, and plumbing design;
- 1468 (d) documentation of energy code compliance;
- 1469 (e) structural calculations, except for trusses;
- 1470 (f) a geotechnical report, including a slope stability evaluation and retaining wall

1471 design, if:

- 1472 (i) the slope of the lot is greater than 15%; and
- 1473 (ii) required by the county; and
- 1474 (g) a statement indicating that actual construction will comply with applicable local
- 1475 ordinances and building codes.

1476 Section 16. Section 19-5-125 is amended to read:

1477 **19-5-125. Yurt exemption.**

1478 (1) As used in this section:

1479 (a) "Backcountry waste containment and disposal system" means a pickle pail, rocket
1480 box, tube toilet, John-E partner, or similar container used to collect and carry out waste,
1481 including fecal matter.

1482 (b) "Remote yurt" means the same as that term is defined in Subsection

1483 [~~15A-1-204~~(12)] 15A-1-202.

1484 (2) Unless otherwise provided by ordinance in accordance with Subsection

1485 15A-1-204(12)(~~e~~)(b), a remote yurt is exempt from this chapter, rules made under this
1486 chapter, and local health department's jurisdiction over onsite wastewater disposal, except that
1487 the owner of a remote yurt shall ensure that an individual using the remote yurt uses a
1488 backcountry waste containment and disposal system and the local health department may
1489 enforce the provisions of this section.

1490 Section 17. Section **58-55-102** is amended to read:

1491 **58-55-102. Definitions.**

1492 In addition to the definitions in Section 58-1-102, as used in this chapter:

1493 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
1494 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,
1495 except as provided in Subsection (1)(b).

1496 (b) "Alarm business or company" does not include:

1497 (i) a person engaged in the manufacture or sale of alarm systems unless:

1498 (A) that person is also engaged in the installation, maintenance, alteration, repair,
1499 replacement, servicing, or monitoring of alarm systems;

1500 (B) the manufacture or sale occurs at a location other than a place of business
1501 established by the person engaged in the manufacture or sale; or

1502 (C) the manufacture or sale involves site visits at the place or intended place of
1503 installation of an alarm system; or

1504 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who
1505 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring
1506 of the alarm system owned by that owner.

1507 (2) "Alarm company agent":

1508 (a) except as provided in Subsection (2)(b), means any individual employed within this
1509 state by an alarm business; and

1510 (b) does not include an individual who:

1511 (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement,
1512 servicing, or monitoring of an alarm system; and

1513 (ii) does not, during the normal course of the individual's employment with an alarm
1514 business, use or have access to sensitive alarm system information.

1515 (3) "Alarm system" means equipment and devices assembled for the purpose of:

- 1516 (a) detecting and signaling unauthorized intrusion or entry into or onto certain
1517 premises; or
- 1518 (b) signaling a robbery or attempted robbery on protected premises.
- 1519 (4) "Apprentice electrician" means a person licensed under this chapter as an
1520 apprentice electrician who is learning the electrical trade under the immediate supervision of a
1521 master electrician, residential master electrician, a journeyman electrician, or a residential
1522 journeyman electrician.
- 1523 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
1524 plumber who is learning the plumbing trade under the immediate supervision of a master
1525 plumber, residential master plumber, journeyman plumber, or a residential journeyman
1526 plumber.
- 1527 (6) "Approved continuing education" means instruction provided through courses
1528 under a program established under Subsection [58-55-302.5\(2\)](#).
- 1529 (7) (a) "Approved preclicensure course provider" means a provider that is the
1530 Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and
1531 Contractors, or the Utah Home Builders Association, and that meets the requirements
1532 established by rule by the commission with the concurrence of the director, to teach the
1533 25-hour course described in Subsection [58-55-302\(1\)\(e\)\(iii\)](#).
- 1534 (b) "Approved preclicensure course provider" may only include a provider that, in
1535 addition to any other locations, offers the 25-hour course described in Subsection
1536 [58-55-302\(1\)\(e\)\(iii\)](#) at least six times each year in one or more counties other than Salt Lake
1537 County, Utah County, Davis County, or Weber County.
- 1538 (8) "Board" means the Electrician Licensing Board, Alarm System Security and
1539 Licensing Board, or Plumbers Licensing Board created in Section [58-55-201](#).
- 1540 (9) "Combustion system" means an assembly consisting of:
- 1541 (a) piping and components with a means for conveying, either continuously or
1542 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the
1543 appliance;
- 1544 (b) the electric control and combustion air supply and venting systems, including air
1545 ducts; and
- 1546 (c) components intended to achieve control of quantity, flow, and pressure.

1547 (10) "Commission" means the Construction Services Commission created under
1548 Section 58-55-103.

1549 (11) "Construction trade" means any trade or occupation involving:

1550 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition
1551 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation
1552 or other project, development, or improvement to other than personal property; and

1553 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as
1554 defined in Section 15A-1-302; or

1555 (b) installation or repair of a residential or commercial natural gas appliance or
1556 combustion system.

1557 (12) "Construction trades instructor" means a person licensed under this chapter to
1558 teach one or more construction trades in both a classroom and project environment, where a
1559 project is intended for sale to or use by the public and is completed under the direction of the
1560 instructor, who has no economic interest in the project.

1561 (13) (a) "Contractor" means any person who for compensation other than wages as an
1562 employee undertakes any work in the construction, plumbing, or electrical trade for which
1563 licensure is required under this chapter and includes:

1564 (i) a person who builds any structure on the person's own property for the purpose of
1565 sale or who builds any structure intended for public use on the person's own property;

1566 (ii) any person who represents that the person is a contractor, or will perform a service
1567 described in this Subsection (13), by advertising on a website or social media, or any other
1568 means;

1569 (iii) any person engaged as a maintenance person, other than an employee, who
1570 regularly engages in activities set forth under the definition of "construction trade";

1571 (iv) any person engaged in, or offering to engage in, any construction trade for which
1572 licensure is required under this chapter; or

1573 (v) a construction manager, construction consultant, construction assistant, or any other
1574 person who, for a fee:

1575 (A) performs or offers to perform construction consulting;

1576 (B) performs or offers to perform management of construction subcontractors;

1577 (C) provides or offers to provide a list of subcontractors or suppliers; or

1578 (D) provides or offers to provide management or counseling services on a construction
1579 project.

1580 (b) "Contractor" does not include:

1581 (i) an alarm company or alarm company agent; or

1582 (ii) a material supplier who provides consulting to customers regarding the design and
1583 installation of the material supplier's products.

1584 (14) (a) "Electrical trade" means the performance of any electrical work involved in the
1585 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
1586 buildings, or appendages or appurtenances.

1587 (b) "Electrical trade" does not include:

1588 (i) transporting or handling electrical materials;

1589 (ii) preparing clearance for raceways for wiring;

1590 (iii) work commonly done by unskilled labor on any installations under the exclusive
1591 control of electrical utilities;

1592 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation
1593 hazard; or

1594 (v) work involving class two or class three power-limited circuits as defined in the
1595 National Electrical Code.

1596 (15) "Elevator" means the same as that term is defined in Section [34A-7-202](#), except
1597 that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an
1598 incline platform lift.

1599 (16) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under
1600 this chapter that is engaged in the business of erecting, constructing, installing, altering,
1601 servicing, repairing, or maintaining an elevator.

1602 (17) "Elevator mechanic" means an individual who is licensed under this chapter as an
1603 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,
1604 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

1605 (18) "Employee" means an individual as defined by the division by rule giving
1606 consideration to the definition adopted by the Internal Revenue Service and the Department of
1607 Workforce Services.

1608 (19) "Engage in a construction trade" means to:

1609 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
1610 in a construction trade; or

1611 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
1612 to believe one is or will act as a contractor.

1613 (20) (a) "Financial responsibility" means a demonstration of a current and expected
1614 future condition of financial solvency evidencing a reasonable expectation to the division and
1615 the board that an applicant or licensee can successfully engage in business as a contractor
1616 without jeopardy to the public health, safety, and welfare.

1617 (b) Financial responsibility may be determined by an evaluation of the total history
1618 concerning the licensee or applicant including past, present, and expected condition and record
1619 of financial solvency and business conduct.

1620 (21) "Gas appliance" means any device that uses natural gas to produce light, heat,
1621 power, steam, hot water, refrigeration, or air conditioning.

1622 (22) (a) "General building contractor" means a person licensed under this chapter as a
1623 general building contractor qualified by education, training, experience, and knowledge to
1624 perform or superintend construction of structures for the support, shelter, and enclosure of
1625 persons, animals, chattels, or movable property of any kind or any of the components of that
1626 construction except plumbing, electrical work, mechanical work, work related to the operating
1627 integrity of an elevator, and manufactured housing installation, for which the general building
1628 contractor shall employ the services of a contractor licensed in the particular specialty, except
1629 that a general building contractor engaged in the construction of single-family and multifamily
1630 residences up to four units may perform the mechanical work and hire a licensed plumber or
1631 electrician as an employee.

1632 (b) The division may by rule exclude general building contractors from engaging in the
1633 performance of other construction specialties in which there is represented a substantial risk to
1634 the public health, safety, and welfare, and for which a license is required unless that general
1635 building contractor holds a valid license in that specialty classification.

1636 (23) (a) "General electrical contractor" means a person licensed under this chapter as a
1637 general electrical contractor qualified by education, training, experience, and knowledge to
1638 perform the fabrication, construction, and installation of generators, transformers, conduits,
1639 raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses

1640 electrical energy.

1641 (b) The scope of work of a general electrical contractor may be further defined by rules
1642 made by the commission, with the concurrence of the director, in accordance with Title 63G,
1643 Chapter 3, Utah Administrative Rulemaking Act.

1644 (24) (a) "General engineering contractor" means a person licensed under this chapter as
1645 a general engineering contractor qualified by education, training, experience, and knowledge to
1646 perform construction of fixed works in any of the following: irrigation, drainage, water, power,
1647 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports
1648 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring
1649 specialized engineering knowledge and skill, piers, and foundations, or any of the components
1650 of those works.

1651 (b) A general engineering contractor may not perform construction of structures built
1652 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

1653 (25) (a) "General plumbing contractor" means a person licensed under this chapter as a
1654 general plumbing contractor qualified by education, training, experience, and knowledge to
1655 perform the fabrication or installation of material and fixtures to create and maintain sanitary
1656 conditions in a building by providing permanent means for a supply of safe and pure water, a
1657 means for the timely and complete removal from the premises of all used or contaminated
1658 water, fluid and semi-fluid organic wastes and other impurities incidental to life and the
1659 occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and
1660 industrial purposes.

1661 (b) The scope of work of a general plumbing contractor may be further defined by rules
1662 made by the commission, with the concurrence of the director, in accordance with Title 63G,
1663 Chapter 3, Utah Administrative Rulemaking Act.

1664 (26) "Immediate supervision" means reasonable direction, oversight, inspection, and
1665 evaluation of the work of a person:

1666 (a) as the division specifies in rule;

1667 (b) by, as applicable, a qualified electrician or plumber;

1668 (c) as part of a planned program of training; and

1669 (d) to ensure that the end result complies with applicable standards.

1670 (27) "Individual" means a natural person.

1671 (28) "Journeyman electrician" means a person licensed under this chapter as a
1672 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
1673 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

1674 (29) "Journeyman plumber" means a person licensed under this chapter as a
1675 journeyman plumber having the qualifications, training, experience, and technical knowledge
1676 to engage in the plumbing trade.

1677 (30) "Master electrician" means a person licensed under this chapter as a master
1678 electrician having the qualifications, training, experience, and knowledge to properly plan,
1679 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
1680 for light, heat, power, and other purposes.

1681 (31) "Master plumber" means a person licensed under this chapter as a master plumber
1682 having the qualifications, training, experience, and knowledge to properly plan and layout
1683 projects and supervise persons in the plumbing trade.

1684 (32) "Person" means a natural person, sole proprietorship, joint venture, corporation,
1685 limited liability company, association, or organization of any type.

1686 (33) (a) "Plumbing trade" means the performance of any mechanical work pertaining to
1687 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within
1688 three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:

- 1689 (i) delivery of the water supply;
1690 (ii) discharge of liquid and water carried waste;
1691 (iii) building drainage system within the walls of the building; and
1692 (iv) delivery of gases for lighting, heating, and industrial purposes.

1693 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
1694 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the
1695 safe and adequate supply of gases, together with their devices, appurtenances, and connections
1696 where installed within the outside walls of the building.

1697 (34) "Ratio of apprentices" means the number of licensed plumber apprentices or
1698 licensed electrician apprentices that are allowed to be under the immediate supervision of a
1699 licensed supervisor as established by the provisions of this chapter and by rules made by the
1700 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1701 Utah Administrative Rulemaking Act.

1702 (35) "Residential and small commercial contractor" means a person licensed under this
1703 chapter as a residential and small commercial contractor qualified by education, training,
1704 experience, and knowledge to perform or superintend the construction of single-family
1705 residences, multifamily residences up to four units, and commercial construction of not more
1706 than three stories above ground and not more than 20,000 square feet, or any of the components
1707 of that construction except plumbing, electrical work, mechanical work, and manufactured
1708 housing installation, for which the residential and small commercial contractor shall employ
1709 the services of a contractor licensed in the particular specialty, except that a residential and
1710 small commercial contractor engaged in the construction of single-family and multifamily
1711 residences up to four units may perform the mechanical work and hire a licensed plumber or
1712 electrician as an employee.

1713 (36) "Residential building," as it relates to the license classification of residential
1714 journeyman plumber and residential master plumber, means a single or multiple family
1715 dwelling of up to four units.

1716 (37) (a) "Residential electrical contractor" means a person licensed under this chapter
1717 as a residential electrical contractor qualified by education, training, experience, and
1718 knowledge to perform the fabrication, construction, and installation of services, disconnecting
1719 means, grounding devices, panels, conductors, load centers, lighting and plug circuits,
1720 appliances, and fixtures in a residential unit.

1721 (b) The scope of work of a residential electrical contractor may be further defined by
1722 rules made by the commission, with the concurrence of the director, in accordance with Title
1723 63G, Chapter 3, Utah Administrative Rulemaking Act.

1724 (38) "Residential journeyman electrician" means a person licensed under this chapter
1725 as a residential journeyman electrician having the qualifications, training, experience, and
1726 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,
1727 and other purposes on buildings using primarily nonmetallic sheath cable.

1728 (39) "Residential journeyman plumber" means a person licensed under this chapter as a
1729 residential journeyman plumber having the qualifications, training, experience, and knowledge
1730 to engage in the plumbing trade as limited to the plumbing of residential buildings.

1731 (40) "Residential master electrician" means a person licensed under this chapter as a
1732 residential master electrician having the qualifications, training, experience, and knowledge to

1733 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
1734 and equipment for light, heat, power, and other purposes on residential projects.

1735 (41) "Residential master plumber" means a person licensed under this chapter as a
1736 residential master plumber having the qualifications, training, experience, and knowledge to
1737 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
1738 plumbing of residential buildings.

1739 (42) (a) "Residential plumbing contractor" means a person licensed under this chapter
1740 as a residential plumbing contractor qualified by education, training, experience, and
1741 knowledge to perform the fabrication or installation of material and fixtures to create and
1742 maintain sanitary conditions in residential buildings by providing permanent means for a
1743 supply of safe and pure water, a means for the timely and complete removal from the premises
1744 of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities
1745 incidental to life and the occupation of such premises, and a safe and adequate supply of gases
1746 for lighting, heating, and industrial purposes.

1747 (b) The scope of work of a residential plumbing contractor may be further defined by
1748 rules made by the commission, with the concurrence of the director, in accordance with Title
1749 63G, Chapter 3, Utah Administrative Rulemaking Act.

1750 (43) "Residential project," as it relates to an electrician or electrical contractor, means
1751 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules
1752 and regulations governing this work, including the National Electrical Code, and in which the
1753 voltage does not exceed 250 volts line to line and 125 volts to ground.

1754 (44) "Sensitive alarm system information" means:

1755 (a) a pass code or other code used in the operation of an alarm system;

1756 (b) information on the location of alarm system components at the premises of a
1757 customer of the alarm business providing the alarm system;

1758 (c) information that would allow the circumvention, bypass, deactivation, or other
1759 compromise of an alarm system of a customer of the alarm business providing the alarm
1760 system; and

1761 (d) any other similar information that the division by rule determines to be information
1762 that an individual employed by an alarm business should use or have access to only if the
1763 individual is licensed as provided in this chapter.

1764 (45) (a) "Specialty contractor" means a person licensed under this chapter under a
1765 specialty contractor classification established by rule, who is qualified by education, training,
1766 experience, and knowledge to perform those construction trades and crafts requiring
1767 specialized skill, the regulation of which are determined by the division to be in the best
1768 interest of the public health, safety, and welfare.

1769 (b) A specialty contractor may perform work in crafts or trades other than those in
1770 which the specialty contractor is licensed if they are incidental to the performance of the
1771 specialty contractor's licensed craft or trade.

1772 (46) "Unincorporated entity" means an entity that is not:

1773 (a) an individual;

1774 (b) a corporation; or

1775 (c) publicly traded.

1776 (47) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
1777 and 58-55-501.

1778 (48) "Unprofessional conduct" means the same as that term is defined in Sections
1779 58-1-501 and 58-55-502 and as may be further defined by rule.

1780 (49) "Wages" means amounts due to an employee for labor or services whether the
1781 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating
1782 the amount.

1783 Section 18. Section 58-55-302.5 is amended to read:

1784 **58-55-302.5. Continuing education requirements for contractor licensees --**
1785 **Continuing education courses.**

1786 (1) (a) Each contractor licensee under a license issued under this chapter shall complete
1787 six hours of approved continuing education during each two-year renewal cycle established by
1788 rule under Subsection 58-55-303(1).

1789 (b) Each contractor licensee who has a renewal cycle that ends on or after January 1,
1790 2020, shall complete one hour of approved continuing education on energy conservation as part
1791 of the six required hours.

1792 (2) (a) The commission shall, with the concurrence of the division, establish by rule a
1793 program of approved continuing education for contractor licensees.

1794 (b) Except as provided in Subsection (2)(e), beginning on or after June 1, 2015, only

1795 courses offered by any of the following may be included in the program of approved continuing
1796 education for contractor licensees:

- 1797 (i) the Associated General Contractors of Utah;
- 1798 (ii) Associated Builders and Contractors, Utah Chapter;
- 1799 (iii) the Utah Home Builders Association [~~of Utah~~];
- 1800 (iv) the National Electrical Contractors Association Intermountain Chapter;
- 1801 (v) the Utah Plumbing & Heating Contractors Association;
- 1802 (vi) the Independent Electrical Contractors of Utah;
- 1803 (vii) the Rocky Mountain Gas Association;
- 1804 (viii) the Utah Mechanical Contractors Association;
- 1805 (ix) the Sheet Metal Contractors Association;
- 1806 (x) the Intermountain Electrical Association;
- 1807 (xi) the Builders Bid Service of Utah; or
- 1808 (xii) Utah Roofing Contractors Association.
- 1809 (c) An approved continuing education program for a contractor licensee may include a
1810 course approved by an entity described in Subsections (2)(b)(i) through (2)(b)(iii).
- 1811 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), an entity listed in
1812 Subsections (2)(b)(iv) through (2)(b)(xii) may only offer and market continuing education
1813 courses to a licensee who is a member of the entity.
- 1814 (ii) An entity described in Subsection (2)(b)(iv), (vi), or (x) may offer and market a
1815 continuing education course that the entity offers to satisfy the continuing education
1816 requirement described in Subsection 58-55-302.7(2)(a) to a contractor in the electrical trade.
- 1817 (iii) An entity described in Subsection (2)(b)(v) or (viii) may offer and market a
1818 continuing education course that the entity offers to satisfy the continuing education
1819 requirement described in Subsection 58-55-302.7(2)(b) to a contractor in the plumbing trade.
- 1820 (e) On or after June 1, 2015, an approved continuing education program for a
1821 contractor licensee may include a course offered and taught by:
- 1822 (i) a state executive branch agency;
- 1823 (ii) the workers' compensation insurance carrier that provides workers' compensation
1824 insurance under Section 31A-22-1001; or
- 1825 (iii) a nationally or regionally accredited college or university that has a physical

1826 campus in the state.

1827 (f) On or after June 1, 2017, for a contractor licensee that is licensed in the specialty
1828 contractor classification of HVAC contractor, at least three of the six hours described in
1829 Subsection (1) shall include continuing education directly related to the installation, repair, or
1830 replacement of a heating, ventilation, or air conditioning system.

1831 (3) The division may contract with a person to establish and maintain a continuing
1832 education registry to include:

1833 (a) a list of courses that the division has approved for inclusion in the program of
1834 approved continuing education; and

1835 (b) a list of courses that:

1836 (i) a contractor licensee has completed under the program of approved continuing
1837 education; and

1838 (ii) the licensee may access to monitor the licensee's compliance with the continuing
1839 education requirement established under Subsection (1).

1840 (4) The division may charge a fee, as established by the division under Section
1841 [63J-1-504](#), to administer the requirements of this section.

1842 Section 19. Section **63N-3-603** is amended to read:

1843 **63N-3-603. Applicability, requirements, and limitations on a housing and transit**
1844 **reinvestment zone.**

1845 (1) A housing and transit reinvestment zone proposal created under this part shall
1846 promote the following objectives:

1847 (a) higher utilization of public transit;

1848 (b) increasing availability of housing, including affordable housing;

1849 (c) conservation of water resources through efficient land use;

1850 (d) improving air quality by reducing fuel consumption and motor vehicle trips;

1851 (e) encouraging transformative mixed-use development and investment in

1852 transportation and public transit infrastructure in strategic areas;

1853 (f) strategic land use and municipal planning in major transit investment corridors as
1854 described in [~~Subsections [10-9a-403](#)(3) and (4)] [Subsection \[10-9a-403\]\(#\)\(2\)](#); and~~

1855 (g) increasing access to employment and educational opportunities.

1856 (2) In order to accomplish the objectives described in Subsection (1), a municipality or

1857 public transit county that initiates the process to create a housing and transit reinvestment zone
1858 as described in this part shall ensure that the proposal for a housing and transit reinvestment
1859 zone includes:

1860 (a) except as provided in Subsection (3), at least 10% of the proposed housing units
1861 within the housing and transit reinvestment zone are affordable housing units;

1862 (b) a dedication of at least 51% of the developable area within the housing and transit
1863 reinvestment zone to residential development with an average of 50 multi-family dwelling
1864 units per acre or greater; and

1865 (c) mixed-use development.

1866 (3) A municipality or public transit county that, at the time the housing and transit
1867 reinvestment zone proposal is approved by the housing and transit reinvestment zone
1868 committee, meets the affordable housing guidelines of the United States Department of
1869 Housing and Urban Development at 60% area median income is exempt from the requirement
1870 described in Subsection (2)(a).

1871 (4) A municipality or public transit county may only propose a housing and transit
1872 reinvestment zone that:

1873 (a) subject to Subsection (5):

1874 (i) (A) for a municipality, does not exceed a 1/3 mile radius of a commuter rail station;
1875 or

1876 (B) for a public transit county, does not exceed a 1/3 mile radius of a public transit
1877 hub; and

1878 (ii) has a total area of no more than 125 noncontiguous square acres;

1879 (b) subject to Section [63N-3-607](#), proposes the capture of a maximum of 80% of each
1880 taxing entity's tax increment above the base year for a term of no more than 25 consecutive
1881 years on each parcel within a 45-year period not to exceed the tax increment amount approved
1882 in the housing and transit reinvestment zone proposal; and

1883 (c) the commencement of collection of tax increment, for all or a portion of the
1884 housing and transit reinvestment zone, will be triggered by providing notice as described in
1885 Subsection (6).

1886 (5) If a parcel is bisected by the 1/3 mile radius, the full parcel may be included as part
1887 of the housing and transit reinvestment zone area and will not count against the limitations

1888 described in Subsection (4)(a).

1889 (6) The notice of commencement of collection of tax increment required in Subsection
1890 (4)(c) shall be sent by mail or electronically to:

1891 (a) the tax commission;

1892 (b) the State Board of Education;

1893 (c) the state auditor;

1894 (d) the auditor of the county in which the housing and transit reinvestment zone is
1895 located;

1896 (e) each taxing entity affected by the collection of tax increment from the housing and
1897 transit reinvestment zone; and

1898 (f) the Governor's Office of Economic Development.

1899 Section 20. **Effective date.**

1900 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
1901 elected to each house, this bill takes effect upon approval by the governor, or the day following
1902 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
1903 signature, or in the case of a veto, the date of veto override.

1904 (2) Section [15A-1-204](#) (Effective 07/01/21) takes effect on July 1, 2021.