

## HB0036S02 compared with HB0036S01

~~text~~ shows text that was in HB0036S01 but was deleted in HB0036S02.

text shows text that was not in HB0036S01 but was inserted into HB0036S02.

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Senator Jacob L. Anderegg proposes the following substitute bill:

### COMMISSION ON HOUSING AFFORDABILITY

#### AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Waldrip**

Senate Sponsor: Jacob L. Anderegg

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#### LONG TITLE

##### General Description:

This bill addresses the Commission on Housing Affordability within the Department of Workforce Services.

##### Highlighted Provisions:

This bill:

- ▶ ~~establishes~~repeals the ~~(Housing Affordability Subcommittee, formerly)~~sunset date for the Commission on Housing Affordability~~, as a permanent subcommittee of the Unified Economic Opportunity Commission within the Governor's Office of Economic Opportunity~~(commission);
- ▶ modifies the membership and duties of the ~~subcommittee~~commission; and

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- ▶ ~~{makes technical changes}~~ provides that the commission serves as a subcommittee of the Unified Economic Opportunity Commission.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

### Utah Code Sections Affected:

AMENDS:

35A-8-2202, as enacted by Laws of Utah 2018, Chapter 392

35A-8-2203, as enacted by Laws of Utah 2018, Chapter 392

63I-1-235, as last amended by Laws of Utah 2021, Chapters 28 and 282

~~{ 63N-1b-101 (Effective 07/01/22), as last amended by Laws of Utah 2022, Second Special Session, Chapter 1~~

~~{ 72-1-215 }~~ 63N-1b-102, as enacted by Laws of Utah ~~{ 2020, Chapter 268~~

RENUMBERS AND AMENDS:

~~63N-1b-401, (Renumbered from 35A-8-2202, as enacted by Laws of Utah 2018, Chapter 392)~~

~~63N-1b-402, (Renumbered from 35A-8-2203, as enacted by Laws of Utah 2018, Chapter 392)~~

REPEALS:

~~35A-8-2201, as last amended by Laws of Utah 2020, Chapter 268~~

~~35A-8-2204, as last amended by Laws of Utah 2020, Chapter 268~~ 2021, Chapter 282

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

Section 1. Section 35A-8-2202 is amended to read:

35A-8-2202. Commission on Housing Affordability.

(1) There is created within the department the Commission on Housing Affordability.

(2) The commission shall consist of [20] 21 members as follows:

(a) one senator appointed by the president of the Senate;

(b) two representatives appointed by the speaker of the House of Representatives;

(c) the executive director of the department or the executive director's designee;

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(d) the director of the division;

(e) the executive director of the Governor's Office of Economic Opportunity or the executive director's designee;

(f) the president of the Utah Transit Authority or the president's designee;

(g) the ~~president~~ chair of the board of trustees of the Utah Housing Corporation or the ~~president's~~ chair's designee; ~~and~~

(h) the state homelessness coordinator appointed under Section 63J-4-202 or the state homelessness coordinator's designee; and

~~(h)~~ (i) 12 members appointed by the governor as follows:

(i) one individual representing the land development community with experience and expertise in affordable, subsidized multi-family development, recommended by the Utah Homebuilders Association;

(ii) one individual representing the real estate industry, recommended by the Utah Association of Realtors;

(iii) one individual representing the banking industry, recommended by the Utah Bankers Association;

(iv) one individual representing public housing authorities, recommended by the director of the division;

(v) two individuals representing municipal government, recommended by the Utah League of Cities and Towns;

(vi) one individual representing redevelopment agencies and community reinvestment agencies, recommended by the Utah Redevelopment Association;

(vii) two individuals representing county government, recommended by the Utah Association of Counties, where:

(A) one of the individuals is from a county of the first class; and

(B) one of the individuals is from a county of the third, fourth, fifth, or sixth class;

(viii) one individual representing a nonprofit organization that addresses issues related to housing affordability;

(ix) one individual with expertise on housing affordability issues in rural communities;

and

(x) one individual representing the Salt Lake Chamber, recommended by the Salt Lake

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### Chamber.

(3) (a) When a vacancy occurs in a position appointed by the governor under Subsection (2)(h), the governor shall appoint a person to fill the vacancy.

(b) Members appointed under Subsection (2)(h) may be removed by the governor for cause.

(c) A member appointed under Subsection (2)(h) shall be removed from the commission and replaced by an appointee of the governor if the member is absent for three consecutive meetings of the commission without being excused by a cochair of the commission.

(d) A member serves until the member's successor is appointed.

(4) (a) The commission shall select two members to serve as cochairs, one of whom shall be a legislator.

(b) Subject to the other provisions of this Subsection (4), the cochairs are responsible for the call and conduct of meetings.

(c) The cochairs shall call and hold meetings of the commission at least four times each year.

(d) One or more additional meetings may be called upon request by a majority of the commission's members.

(5) (a) A majority of the members of the commission constitutes a quorum.

(b) The action of a majority of a quorum constitutes the action of the commission.

(6) (a) A member of the commission described in Subsections (2)(c) through (h) may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

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

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

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(7) The division shall provide staff support to the commission.

Section 2. Section 35A-8-2203 is amended to read:

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### 35A-8-2203. Duties of the commission.

(1) The ~~[commission's duties include]~~ commission shall:

(a) ~~serve as a subcommittee of the Unified Economic Opportunity Commission and assist the Unified Economic Opportunity Commission in performing the Unified Economic Opportunity Commission's duties under Section 63N-1a-202;~~

~~[(a)] (b) ~~[increasing]~~ increase public and government awareness and understanding of the housing affordability needs of the state and how those needs may be most effectively and efficiently met, through empirical study and investigation;~~

~~[(b)] (c) ~~[identifying]~~ identify and ~~[recommending]~~ recommend implementation of specific strategies, policies, procedures, and programs to address the housing affordability needs of the state;~~

~~[(c)] (d) ~~[facilitating]~~ facilitate the communication and coordination of public and private entities that are involved in developing, financing, providing, advocating for, and administering affordable housing in the state;~~

~~[(d)] (e) ~~[studying, evaluating, and reporting]~~ study, evaluate, and report on the status and effectiveness of policies, procedures, and programs that address housing affordability in the state;~~

~~[(e)] (f) ~~[studying and evaluating]~~ study and evaluate the policies, procedures, and programs implemented by other states that address housing affordability;~~

~~[(f)] (g) ~~[providing]~~ provide a forum for public comment on issues related to housing affordability; and~~

~~[(g)] (h) ~~[providing]~~ provide recommendations to the ~~[governor]~~ Unified Economic Opportunity Commission and Legislature on strategies, policies, procedures, and programs to address the housing affordability needs of the state.~~

(2) To accomplish its duties, the commission may:

(a) ~~request and receive from a state or local government agency or institution summary information relating to housing affordability, including:~~

(i) ~~reports;~~

(ii) ~~audits;~~

(iii) ~~projections; and~~

(iv) ~~statistics; and~~

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(b) appoint one or more advisory groups to advise and assist the commission.

(3) (a) A member of an advisory group described in Subsection (2)(b):

(i) shall be appointed by the commission;

(ii) may be:

(A) a member of the commission; or

(B) an individual from the private or public sector; and

(iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for any work done in relation to the advisory group.

(b) An advisory group described in Subsection (2)(b) shall report to the commission on the progress of the advisory group.

Section 3. Section **63I-1-235** is amended to read:

### **63I-1-235. Repeal dates, Title 35A.**

(1) Subsection 35A-1-202(2)(d), related to the Child Care Advisory Committee, is repealed July 1, 2026.

(2) Section 35A-3-205, which creates the Child Care Advisory Committee, is repealed July 1, 2026.

(3) Subsection 35A-4-312(5)(p), describing information that may be disclosed to the federal Wage and Hour Division, is repealed July 1, 2022.

(4) Subsection 35A-4-502(5), which creates the Employment Advisory Council, is repealed July 1, 2022.

~~[(5) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is repealed July 1, 2023.]~~

~~[(6) (5) Section 35A-9-501 is repealed January 1, 2023.]~~

~~[(7) (6) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed January 1, 2025.]~~

~~[(8) (7) Sections 35A-13-301 and 35A-13-302, which create the Governor's Committee on Employment of People with Disabilities, are repealed July 1, 2023.]~~

~~[(9) (8) Section 35A-13-303, which creates the State Rehabilitation Advisory Council, is repealed July 1, 2024.]~~

~~[(10) (9) Section 35A-13-404, which creates the advisory council for the Division of Services for the Blind and Visually Impaired, is repealed July 1, 2025.]~~

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~~[(11)] (10)~~ Sections 35A-13-603 and 35A-13-604, which create the Interpreter Certification Board, are repealed July 1, 2026.

Section 4. Section 63N-1b-102 is amended to read:

### **63N-1b-102. Subcommittees generally.**

(1) Each subcommittee created under this part or by the commission in accordance with this section serves under the direction of the commission and shall assist the commission in performing the commission's duties.

(2) In addition to the subcommittees created under this part, the commission may establish one or more subcommittees to assist and advise the commission on specified topics or issues relevant to the commission's duties, including:

- (a) rural economic growth;
- (b) sustainable community growth;
- (c) small business and entrepreneurship;
- (d) multicultural economic empowerment; and
- (e) international relations, trade, and immigration.

(3) When establishing a subcommittee under Subsection (2), the commission shall:

- (a) appoint members to the subcommittee that represent a range of views and expertise;

and

- (b) adopt subcommittee procedures and directives.

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

- (i) Section 63A-3-106;
- (ii) Section 63A-3-107; and
- (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a subcommittee member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

~~{Section 2. Section 63N-1b-101 (Effective 07/01/22) is amended to read:~~

~~63N-1b-101 (Effective 07/01/22). Definitions:~~

~~As used in this chapter:~~

- ~~(1) "Apprenticeship program" means a program that:~~

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~~—— (a) combines paid-on-the-job learning with formal classroom instruction to prepare students for careers; and~~

~~—— (b) includes:~~

~~—— (i) structured on-the-job learning for students under the supervision of a skilled employee;~~

~~—— (ii) classroom instruction for students related to the on-the-job learning;~~

~~—— (iii) ongoing student assessments using established competency and skills standards; and~~

~~—— (iv) the student receiving an industry-recognized credential or degree upon completion of the program.~~

~~—— (2) "Career and technical education region" means an economic service area.~~ (5) In addition to the subcommittees created under this part, the Commission on Housing Affordability created in Section 35A-2-101.

~~—— (3) "High quality professional learning" means the professional learning standards for teachers and principals described in Section 53G-11-303.~~

~~—— (4) "Housing affordability" means the ability of a household to occupy a housing unit paying no more than 30% of the household's income for gross housing costs, including utilities.~~

~~—— [(4)] (5) "Institution of higher education" means the University of Utah, Utah State University, Southern Utah University, Weber State University, Snow College, Utah Tech University, Utah Valley University, or Salt Lake Community College.~~

~~—— [(5)] (6) "Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.~~

~~—— [(6)] (7) "Master plan" means the computer science education master plan described in Section 63N-1b-304.~~

~~—— (8) "Moderate income housing unit" means a housing unit where a household whose income is no more than 80% of the area median income is able to occupy the housing unit paying no more than 30% of the household's income for gross housing costs, including utilities.~~

~~—— [(7)] (9) "Participating employer" means an employer that:~~

~~—— (a) partners with an educational institution on a curriculum for an apprenticeship program or work-based learning program; and~~

~~—— (b) provides an apprenticeship or work-based learning program for students.~~



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- ~~— (10) "Replacement unit" means a moderate income housing unit that:~~
- ~~— (a) is comparable in quality to a permanently vacated or destroyed moderate income housing unit;~~
  - ~~— (b) meets state and local health and housing codes;~~
  - ~~— (c) is comparable to the permanently vacated or destroyed moderate income housing unit in number of bedrooms and square footage; and~~
  - ~~— (d) is located, to the extent practicable, in the same political subdivision as the permanently vacated or destroyed moderate income housing unit.~~
- ~~— [(8)] (11) "State board" means the State Board of Education.~~
- ~~— [(9)] (12) "Talent program" means the Talent Ready Utah Program created in Section 63N-1b-302.~~
- ~~— [(10)] (13) "Talent subcommittee" means the Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301.~~
- ~~— [(11)] (14) "Technical college" means:~~
- ~~— (a) the same as that term is defined in Section 53B-1-101.5; and~~
  - ~~— (b) a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53B-2a-201.~~
- ~~— [(12)] (15) (a) "Work-based learning program" means a program that combines structured and supervised learning activities with authentic work experiences and that is implemented through industry and education partnerships.~~
- ~~— (b) "Work-based learning program" includes the following objectives:~~
  - ~~— (i) providing students an applied workplace experience using knowledge and skills attained in a program of study that includes an internship, externship, or work experience;~~
  - ~~— (ii) providing an educational institution with objective input from a participating employer regarding the education requirements of the current workforce; and~~
  - ~~— (iii) providing funding for programs that are associated with high-wage, in-demand, or emerging occupations.~~
- ~~— [(13)] (16) "Workforce programs" means education or industry programs that facilitate training the state's workforce to meet industry demand.~~
- ~~— Section 3. Section 63N-1b-401, which is renumbered from Section 35A-8-2202 is renumbered and amended to read:~~

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### Part 4. Housing Affordability Subcommittee

~~\_\_\_\_\_ [35A-8-2202]. \_\_\_\_\_ 63N-1b-401. Housing Affordability Subcommittee --~~

#### Creation -- Membership -- Expenses:

~~\_\_\_\_\_ [(1) There is created within the department the Commission on Housing Affordability.]~~

~~\_\_\_\_\_ (1) There is created a subcommittee of the commission called the Housing Affordability Subcommittee.~~

~~\_\_\_\_\_ (2) The [commission] subcommittee shall consist of [20] 21 members as follows:~~

~~\_\_\_\_\_ (a) one senator appointed by the president of the Senate;~~

~~\_\_\_\_\_ (b) two representatives appointed by the speaker of the House of Representatives;~~

~~\_\_\_\_\_ (c) the executive director of the [department] Go Utah office or the executive director's designee;~~

~~\_\_\_\_\_ [(d) the director of the division;]~~

~~\_\_\_\_\_ [(e) the executive director of the Governor's Office of Economic Opportunity or the executive director's designee;]~~

~~\_\_\_\_\_ (d) the executive director of the Department of Workforce Services or the executive director's designee;~~

~~\_\_\_\_\_ (e) the director of the Housing and Community Development Division within the Department of Workforce Services or the director's designee;~~

~~\_\_\_\_\_ (f) the state homelessness coordinator appointed under Section 63J-4-202 or the state homelessness coordinator's designee;~~

~~\_\_\_\_\_ [(f)] (g) the [president] chair of the board of trustees of the Utah Transit Authority or the [president's] chair's designee;~~

~~\_\_\_\_\_ [(g)] (h) the president of the Utah Housing Corporation or the president's designee; and~~

~~\_\_\_\_\_ [(h)] (i) 12 members appointed by the [governor] chair of the commission as follows:~~

~~\_\_\_\_\_ (i) one individual representing the land development community with experience and expertise in affordable, subsidized multi-family development, recommended by the Utah Homebuilders Association;~~

~~\_\_\_\_\_ (ii) one individual representing the real estate industry, recommended by the Utah Association of Realtors;~~

~~\_\_\_\_\_ (iii) one individual representing the banking industry, recommended by the Utah Bankers Association;~~

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~~—— (iv) one individual representing public housing authorities, recommended by the director of the [division] Housing and Community Development Division within the Department of Workforce Services;~~

~~—— (v) two individuals representing municipal government, recommended by the Utah League of Cities and Towns;~~

~~—— (vi) one individual representing redevelopment agencies and community reinvestment agencies, recommended by the Utah Redevelopment Association;~~

~~—— (vii) two individuals representing county government, recommended by the Utah Association of Counties, where:~~

~~—— (A) one of the individuals is from a county of the first class; and~~

~~—— (B) one of the individuals is from a county of the third, fourth, fifth, or sixth class;~~

~~—— (viii) one individual representing a nonprofit organization that addresses issues related to housing affordability;~~

~~—— (ix) one individual with expertise on housing affordability issues in rural communities; and~~

~~—— (x) one individual representing the Salt Lake Chamber, recommended by the Salt Lake Chamber;~~

~~—— (3) (a) When a vacancy occurs in a position appointed by the [governor] chair of the commission under Subsection [(2)(h), the governor] (2)(i), the chair of the commission shall appoint a person to fill the vacancy;~~

~~—— (b) Members appointed under Subsection [(2)(h)] (2)(i) may be removed by the [governor] chair of the commission for cause;~~

~~—— (c) A member appointed under Subsection [(2)(h)] (2)(i) shall be removed from the [commission] subcommittee and replaced by an appointee of the [governor] chair of the commission if the member is absent for three consecutive meetings of the [commission] subcommittee without being excused by a cochair of the [commission] subcommittee;~~

~~—— (d) A member serves until the member's successor is appointed;~~

~~—— (4) (a) The [commission] subcommittee shall select two members to serve as cochairs, one of whom shall be a legislator;~~

~~—— (b) Subject to the other provisions of this Subsection (4), the cochairs are responsible for the call and conduct of meetings;~~

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~~— (c) The cochairs shall call and hold meetings of the [commission] subcommittee at least four times each year.~~

~~— (d) One or more additional meetings may be called upon request by a majority of the [commission's] subcommittee's members.~~

~~— (5) (a) A majority of the members of the [commission] subcommittee constitutes a quorum.~~

~~— (b) The action of a majority of a quorum constitutes the action of the [commission] subcommittee.~~

~~— (6) (a) A member of the [commission] subcommittee described in Subsections (2)(c) through [(h)] (i) may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~— (i) Section 63A-3-106;~~

~~— (ii) Section 63A-3-107; and~~

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

~~— (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~

~~— [(7) The division shall provide staff support to the commission.]~~

~~— (7) Nothing in this section prohibits an individual who, on June 30, 2022, is a member of the Commission on Housing Affordability within the Department of Workforce Services from serving as a member of the Housing Affordability Subcommittee.~~

~~— Section 4. Section **63N-1b-402**, which is renumbered from Section 35A-8-2203 is renumbered and amended to read:~~

~~— **[35A-8-2203].** **63N-1b-402. Housing Affordability Subcommittee duties and powers.**~~

~~— [(1) The commission's duties include:]~~

~~— (1) The Housing Affordability Subcommittee shall:~~

~~— (a) [increasing] increase public and government awareness and understanding of the housing affordability needs of the state and how those needs may be most effectively and efficiently met, through empirical study and investigation;~~

~~— (b) [identifying and recommending implementation of specific] provide~~

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~~recommendations to the commission on strategies, policies, procedures, and programs to address the housing affordability needs of the state;~~

~~—— (c) [facilitating] facilitate the communication and coordination of public and private entities that are involved in developing, financing, providing, advocating for, and administering [affordable] housing affordability in the state;~~

~~—— (d) [studying, evaluating, and reporting] study, evaluate, and report to the commission on the status and effectiveness of policies, procedures, and programs that address housing affordability in the state;~~

~~—— (e) [studying and evaluating] study and evaluate the policies, procedures, and programs implemented by other states that address housing affordability;~~

~~—— (f) [providing] provide a forum for public comment on issues related to housing affordability; [and]~~

~~—— [(g) providing recommendations to the governor and Legislature on strategies, policies, procedures, and programs to address the housing affordability needs of the state.]~~

~~—— (g) in consultation with affected political subdivisions, provide recommendations to the commission on how the state and other stakeholders should act to address the loss of moderate income housing units in the state, including the moderate income housing units permanently vacated or destroyed as identified in the report from the Department of Transportation described in Section 72-1-215; and~~

~~—— (h) in consultation with affected political subdivisions, provide recommendations to the commission on how the state and other stakeholders can support and encourage the new construction or rehabilitation of replacement units.~~

~~—— (2) To accomplish [its] the subcommittee's duties, the [commission] subcommittee may:~~

~~—— (a) request and receive from a state or local government agency or institution summary information relating to housing affordability, including:~~

~~—— (i) reports;~~

~~—— (ii) audits;~~

~~—— (iii) projections; and~~

~~—— (iv) statistics; and~~

~~—— (b) appoint one or more advisory groups to advise and assist the [commission]~~

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subcommittee:

~~— (3) (a) A member of an advisory group described in Subsection (2)(b):~~

~~— (i) shall be appointed by the [commission] subcommittee;~~

~~— (ii) may be:~~

~~— (A) a member of the [commission] subcommittee; or~~

~~— (B) an individual from the private or public sector; and~~

~~— (iii) notwithstanding Section [35A-8-2202] 63N-1b-401, may not receive reimbursement or pay for any work done in relation to the advisory group.~~

~~— (b) An advisory group described in Subsection (2)(b) shall report to the [commission] subcommittee on the progress of the advisory group.~~

~~— Section 5. Section 72-1-215 is amended to read:~~

~~— **72-1-215. Affordable housing study:**~~

~~— (1) As used in this section, "moderate income housing unit" means a housing unit that has an appraised value that would allow, as estimated by the department, a household whose income is no more than 80% of the area median income to occupy the housing unit paying no more than 30% of the household's income for gross housing costs, including utilities.~~

~~— (2) On or before September 15, the department shall provide a written report to the Economic Development and Workforce Services Interim Committee and to the [Commission on Housing Affordability created in Section 35A-8-2201] Housing Affordability Subcommittee created in Section 63N-1b-401 that describes:~~

~~— (a) the total number of housing units that were permanently vacated or destroyed as a result of department action in the previous fiscal year, including separate subtotals describing the total number of housing units with one bedroom, two bedrooms, three bedrooms, and four or more bedrooms, which were permanently vacated or destroyed as a result of department action in the previous fiscal year; and~~

~~— (b) the total number of moderate income housing units that were permanently vacated or destroyed as a result of department action in the previous fiscal year, including separate subtotals describing the total number of moderate income housing units with one bedroom, two bedrooms, three bedrooms, and four or more bedrooms, which were permanently vacated or destroyed as a result of department action in the previous fiscal year.~~

~~— Section 6. **Repealer:**~~

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~~This bill repeals:~~

~~Section 35A-8-2201, Definitions:~~

~~Section 35A-8-2204, Annual report:~~

~~Section 7. Effective date:~~

~~This bill takes effect July 1, 2022:~~

~~‡35A-8-2202 shall serve as a subcommittee of the commission and shall assist the commission in performing the commission's duties.~~