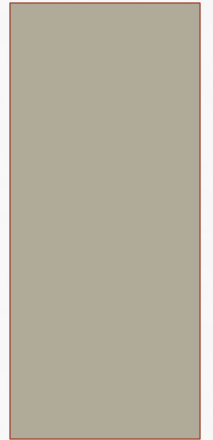


LEGISLATIVE UPDATE

SEPTEMBER, 2024



Constitutional Amendment D

2024 Fourth Special Session

House Joint Resolution (S.J.R) 401

Proposal to Amend Utah Constitution - Election of County Sheriffs

Ballot Title

Should the Utah Constitution be changed to strengthen the initiative process by:

- Prohibiting foreign influence on ballot initiatives and referendums.
- Clarifying the voters and legislative bodies' ability to amend laws.

If approved, state law would also be changed to:

- Allow Utah citizens 50% more time to gather signatures for a statewide referendum.
- Establish requirements for the legislature to follow the intent of a ballot initiative.

FOR () AGAINST ()

CONSTITUTIONAL AMENDMENTS

- 9/12/24 – Judge Diana Gibson ruled that “Amendment D is void” and will not be counted in 2024 election (but will remain on ballot because of timing issues for printing ballots).
- Issue stems from 2018 ballot initiative approved by voters seeking to create an independent redistricting commission and prohibit drawing political maps based on partisan gerrymandering.
- 2020 - Legislature passed SB200, rewriting the initiative and removing the ban on gerrymandering.
- 2021 – lawmakers adopted congressional districts splitting Salt Lake County (one of most Democratic areas in state) into quarters.

CONSTITUTIONAL AMENDMENTS

- League of Women Voters, Mormon Women for Ethical Government, and other voters sued claiming violation of constitutional rights to initiative process.
- July, 2024, Utah Supreme Court unanimously (5-0) agreed. Held initiative process is meaningless if lawmakers can rewrite/undo at will. Ruling addresses initiatives that “alter or reform the government”. Legislative changes must be “narrowly tailored” and serve a “compelling” state interest.
- August, 2024, Republican legislative leaders called “emergency” special session to adopt proposed constitutional amendment to overturn the ruling and allow legislators to rewrite citizen ballot initiatives.

AMENDMENT D

(3)(a) Foreign individuals, entities, or governments may not, directly or indirectly, influence, support, or oppose an initiative or a referendum. (b) The Legislature may provide, by statute, definitions, scope, and enforcement of the prohibition under Subsection (3)(a). (4) Notwithstanding any other provision of this Constitution, the people's exercise of their Legislative power as provided in Subsection (2) does not limit or preclude the exercise of Legislative power, including through amending, enacting, or repealing a law, by the Legislature, or by a law making body

CONSTITUTIONAL AMENDMENTS

- Judge Gibson found that Legislature failed to publish the text of the proposed amendment as required by Article XII of the Constitution.
- Legislature is appealing the decision.
- Initiative vs. Referendum. Not the same.
- Initiative: voters' petition for new law and to submit to voters or legislature for approval/rejection.
- Referendum: petition to try to overturn an existing law by submitting it to the voters for approval/rejection.
- Amendment D deals with voter *initiatives* but includes language lengthening time to get signatures for a *referendum*. Has been criticized as misleading since companion bill actually reduces time to collect signatures to get *initiative* on the ballot from 60 to 40 days.

HEADLINES

Recent headlines

Utah builds more new homes than any other state in the nation

by Jake Taylor, KUTV | Thu, September 5th 2024 at 6:54 PM

Updated Fri, September 6th 2024 at 7:06 AM

Utah's housing market faces construction labor shortage

by Jim Spiewak, KUTV | Mon, September 9th 2024 at 10:21 PM

Updated Tue, September 10th 2024 at 3:03 PM

Housing is the main inflation problem



Courtenay Brown

AXIOS

HEADLINES

Local Land Use in the National Spotlight

Harris and Trump walk a supply-demand tightrope on housing

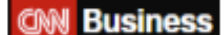
The practicalities of bringing down costs leave both campaigns navigating political minefields – like zoning rules and property values – to sell voters on ways to ease the home shortage.

 **NBC NEWS**

Is America's housing crisis determining how you vote this November?

By Bryan Mena, CNN

🕒 2 minute read · Published 4:16 PM EDT, Thu September 12, 2024

 **CNN Business**

Trump, Harris agree: Construction regulations need work

by: [Cora Neas](#)

Posted: Sep 11, 2024 / 04:59 PM CDT

Updated: Sep 12, 2024 / 12:29 PM CDT

 **kxan** IN-DEPTH INVESTIGATIVE.

Who's Responsible for the Housing Crisis?

How local governments broke America's housing markets

By Jerusalem Demsas

The Atlantic

BUILDING INSPECTIONS & LICENSING

LUTF – Building Inspections & Licensing

OPLR Report

Finding: Building inspector timeliness is not a major constraint, but variability in enforcement may be

100%

of cities surveyed by the ULCT have an average inspection time of less than three days.¹

*Despite a perceived workforce shortage, most inspections are **done on time**. However, this may mean inspectors are doing **more inspections in a day** than is ideal.*

Utah homebuilders experience²:

- ***Frustrations with the entire process*** from land entitlement, plan review, permit, inspections, to the certificate of occupancy
- Variability in code enforcement between both ***cities*** and ***individual inspectors***
- Lack of a ***process to appeal*** code enforcement decisions that is quick enough to be worth pursuing

BUILDING INSPECTIONS & LICENSING

LUTF – Building Inspections & Licensing

Proposal

Finding: Utah needs better mechanisms to improve accountability and reduce variation in enforcement

Proposal: Dispute Resolution

- Cities and HBA to create pool of approved local government inspectors
- Builders may challenge building plan or inspection decision by engaging three inspectors from pool (2 picked by builders; 1 picked by the city)
- Engagement would be done by conference call or video (if onsite is required)
- Decision made by three building inspectors from list of approved inspectors
- Standard is “arbitrary, capricious”
- Timing of decision is less than 3 days
- Decision is binding
- Pay a fee to challenge the building officials action – skin in game

BONDING

Bonding Potential proposal

**Developer-builder may use surety bond for public improvements
if:**

- The developer-builder commits, in writing, to offer for sale no fewer than 60% of the total units within the project will be sold for less than or equal to 450k.
 - This would tie into HB 572 from the 2024 session
- Deed-restricted, owner-occupied for at least X years
- Owner must occupy the home within 60 days of purchasing the property

2025 LEGISLATION ???

Big ticket items coming on housing beyond CHA

1) **Utah State Housing plan coming by January** *Steve Waldrip*

- Goals
- Metrics
- Needs

2) **Multiple legislators looking at bills**

- Economic dev: ADUs
- Political subs: housing audit
- Rep. Bennion: investors
- Rep. Walter: short-term rentals
- Rep. Ward: small lots

3) **"Land capacity" study coming soon** *Envision Utah for GOEO*

- Infrastructure
- Market demands
- Water
- Zoning