

**Commission on Housing Affordability**  
**Minutes for November 12, 2020**  
Electronic Webinar - Via Zoom

**Members Present**

Senator Jacob Anderegg  
Representative Joel Briscoe  
Representative Val Potter  
Representative Steve Waldrip  
Andrew Johnston  
Beth Holbrook  
Chris Condie  
Chris Gamvroulas  
Grant Whitaker  
Janice Kimball  
Jeff Jones  
Julie Humberstone  
Matt Dahl  
Michele Weaver  
Mike Akerlow  
Mike Gallegos  
Mike Ostermiller

**Representing**

Senator  
Representative  
Representative  
Representative  
Salt Lake City Council  
UTA  
Municipal Government  
Utah Homebuilders Association  
Utah Housing Corporation  
Housing Connect  
Summit County Economic Development  
Policy Analyst with LRG  
Utah Redevelopment Association  
Rural Community Assistance Corporation  
Community Development Corporation of Utah  
Salt Lake County  
Summit County Economic Development

**Staff Present**

Jonathan Hardy	Director, HCD
Jess Peterson	HCD
Holly Taing	HCD
Keith Heaton	HCD
Rebecca Banner	HCD
David Fields	HCD
Christina Davis	HCD
Ian Shumway	HCD

**Visitors**

Peter Asplund  
Dave Spatafore  
Ashley Spatafore  
Tara Rollins  
Austin Kimmel  
Francisca Blanc  
Heather Lester

Kaitlyn Pieper  
Karson Eilers  
LaNiece Davenport  
Megan Ryan  
Melia Dayler  
Michelle Flynn  
Michelle Larsen  
Otelo Reggy-Beane  
Rob Jolley  
Susan Olsen  
Tony Semerad

### **Welcome and Introductions**

The Commission on Housing Affordability Board meeting was held electronically via Zoom on: November 12, 2020. Senator Anderegg called to order at 10:02am.

### **No Public comments**

### **Approval of Minutes:** (October 14, 2020) & (October 28, 2020)

Motion to approve both sets of minutes by Rep. Val Potter. Motion carries unanimously.

**Senator Anderegg:** I want to bring up that we'll be losing Rep. Potter as he moves on to bigger and badder things. Rep. Potter will be replaced with Rep. Waldrip and Rep. Potter, do you have any final words that you'd like to say?

**Rep. Potter:** I'd like to just say that I appreciate this commission, I've sung your praises to the legislation and various people that I've met with, this commission has done some amazing things and in the several years we've been together we've passed some very impactful legislation that is going to make a difference in the state of Utah and it's a start, there's a lot more to do and we've made some positive changes in housing affordability for the state of Utah and I've been thrilled to be a part of this commission and it's been an honor of worked with some great people all over the state. Steve Waldrip is an excellent representative, he's helped me on the bill that I passed in the house last year, SB39 and was very supportive of that and worked behind the scenes, he cares about housing and has some good plans, he'll be a great asset moving forward and I say to all of you, work hard and keep the legislature informed of what you're doing and keep moving the needle towards making things better for housing affordability in the state of Utah, again it's been a pleasure and thank you for putting up with me.

**Senator Anderegg:** You've been a delight to work with Rep. Potter, thank you.

Let's begin with our sub-committee for any updates and we'll start with Dave and Ashley Spatafore, the time is yours.

**Ashley Spatafore:** (see attached)

Thank you again for having us and you know that Dave and I have our 3 different working groups focusing on production and preservation, financial assistance and landlord/tenant subgroup, that's where this proposal is coming from, we had a great meeting with Paul Smith and Mike Ostermiller who's part of the apartment association and this proposal is vetted through them which is a joint proposal with the intention to help both tenants and landlords. What the ask is, the mediation program development and guide for best practices and there's two components, the biggest one is financial request for expanded state wide medication, \$300,000 ongoing which will allow for 3 additional full-time landlord/tenant mediators to provide services statewide and GAP funding to assist in providing negotiated costs that most grants funds may not be able to cover, I won't read through this whole document but we want to try and give you the big points, right now there already exists a best practices and guidelines of landlords and tenants in coordination with Utah housing coalition and Utah apartment association already has a reference guide and so a lot of these things have already been set up that benefit both tenants and landlords but the big part of this proposal is the expanded mediation services statewide. Utah community action currently has one of the best mediation programs and what we want to do is not recreate the wheel but expand the services that already exist, so the goal is to provide mediation services for the Wasatch front and also off the Wasatch front, a couple things I want to highlight is Utah community action outcomes, what the program is and what it already provides and between April and October of this year, 209 mediations have occurred and out of those 184 were able to avoid eviction and stay in their home.

**Dave Spatafore:** I'd like to add that last week Ashley and I had great conversation with Paul Smith and Mike Ostermiller and a couple critical elements that led to all of us working together is first that Paul and Mike wanted Utah community action to be the core function group because they do so many right now in Salt Lake county and there's a great amount of confidence between the apartment association and UCA, that they wanted UCA to be the point organization for this and secondly they also wanted to make sure the mediation was not mandatory and this does not call for mandatory mediation, it's exactly how it is today, only expanded statewide under UCA with the additional \$300,000 ongoing. We believe that this is going to be a program that will benefit both the tenant and the landlords and as the numbers indicated from the report from UCA, they have a very good success with both the tenants and landlords happy and having success where the tenants can stay in their units, this is a great way to keep people housed.

**Senator Anderegg:** Ashley, does this conclude your presentation?

**Ashley Spatafore:** Yeah there's a lot of information in here and is more for the commission to look at and we've highlighted why it's helpful, useful and really expanding what the existing infrastructure is and that's what it's really meant for is, its existing where it is on the Wasatch front but really to provide access services off the Wasatch front and we already have the system set up but we want to make sure everyone has access to it throughout the state because eviction is a problem everywhere and we're here to answer any questions.

**Senator Anderegg:** Looks like we have a question from Mike Gallegos, the time is yours.

**Mike Gallegos:** It appears based on your presentation that Utah community action has responded positively if taken this role statewide or is it going to be somehow train the trainers out there outside of the Wasatch front or Salt Lake County?

**Ashley Spatafore:** I don't want to speak for UCA but they have very much been a part of this whole proposal, I don't know exactly how that will work but I don't think they're going to physically expand off the Wasatch front but expand locally where they already are and provide remote services and I'd want them to respond to that but that's what the gist of our conversations have been.

**Mike Gallegos:** Thank you.

**Senator Anderegg:** Our next question is from Michele Weaver, the time is yours.

**Michele Weaver:** I do want to expand on this but I wanted to ask Mike Ostermiller if private landlords also get into the apartment association or is there some sort of rule that allows a landlord to be part of the apartment association or do you just have to be a landlord?

**Mike Ostermiller:** They have members that range from all members that own one reputable unit, one single family home to thousands of rental units, apartments, condos, homes, everything so their members are really diverse, I think at one point their membership represented about 75% of rental units around the state.

**Michele Weaver:** Thank you, that's great information to have and will help me.

**Senator Anderegg:** Seeing no further questions, except from myself. So the idea is that this would be an appropriation directly to the Olene Walker Board and that they would administer this through the local housing authorities, is that kind of what the idea is?

**Dave Spatafore:** Yes.

**Senator Anderegg:** So we would just adopt the existing statute but I don't even know if there is an existing statute to set this up but my question is, are there standards, requirements that individuals would have to go through in order to apply for this type of mediation?

**Dave Spatafore:** Senator, that's a great question and although we may not need legislation, we may need to put something in statute to have the frame work of how this mediation services will proceed and is something we ought to explore wit Jonathan and his group and see how they would like to have this function.

**Senator Anderegg:** I don't want to create an additional barrier to someone who's already facing eviction because that's not what this is about, but it is about having some sort of standard to filter out people who aren't really trying versus the people that are really trying and just not being able to get ahead, if that makes sense.

**Ashley Spatafore:** I think we need to clarify that and UCA would be the organization to answer that because they already have this set up and I think a lot of it is through referrals right now, there's already referral processes in place and what we want to make sure is that, those referral processes exist off the Wasatch front just to make sure it works as well throughout the state but it's just expanding existing infrastructure and we can get a clear answer on the process.

**Senator Anderegg:** I have another question, this money is basically meant entirely for FTE's for mediation right, there's no money associated with this to cover back fees or anything of that sort right?

**Ashley Spatafore:** We can clarify this but part of why UCA's negotiations are so powerful is because there are small set asides, UCA currently have \$45,000 in GAP financing that helps as a funding negotiation mechanism to assist tenants in paying costs that are not traditionally covered by grants.

**Senator Anderegg:** So, that would be like outstanding utility fees with fines?

**Ashley Spatafore:** Yeah, it's to basically help the negotiation process to write down a lot of those negotiation costs, a lot of the time you go in for an eviction the tenant can be on the hook for up to \$3,000 and through some of these negotiation processes, they can negotiate those down so a small part would help to cover some of these fees.

**Senator Anderegg:** I just want to make sure that we're stretching the dollars and helping as many people as we can, so the existing \$45,000 for GAP funding, is this what they're currently using and where is this money coming from?

**Ashley Spatafore:** This was from the National Low-Income Housing Coalition.

**Tara Rollins:** Can I speak to this, so the \$45,000 came through the Utah Housing Coalition and we requested on behalf of Utah community action to use as GAP funding and this funding came in with COVID 19 in mind to get money immediately on the ground to help people not get evicted and to make sure they are stabilized in their homes. The National Low-Income Housing Coalition received a huge funding grant and so we were able to access that funding for them, that money has actually been all spent, so I think this is an example of what can be done with GAP funding. I also want to point out that mediation is ultimately eviction prevention and what I mean by that is, sometime people come to mediate because of a language barrier and they don't understand why something needs to be fixed. I think right now in terms of what's happening they're doing more mediation over evictions.

**Senator Anderegg:** Thank you, we'll come back to you to give us full report on this but I have a question from Mike Gallegos still, the time is yours.

**Mike Gallegos:** I want to go back to the question you had for Ashley in regards to the funds if it would go through the housing authorities, I'm confused why would it go through the housing authorities?

**Senator Anderegg:** Can you help us understand, is that the proper place it ought to go through?

**Ashley Spatafore:** Maybe what I stated wasn't clear but I think it should go through DWS, Olene Walker, and then through UCA.

**Senator Anderegg:** I think it was me that stated it was the housing authorities.

**Mike Gallegos:** I will support this but I'm supposing that UCA has to use non-federal funds for this GAP financing.

**Dave Spatafore:** That's our understanding to Mike but UCA will be the point organization because they have all the infrastructure developed and this will allow them to increase their infrastructure program to statewide.

**Senator Anderegg:** That was my initial question just to finish out what Mike said is if we're asking for \$300,000 then we need to specify if any of that money is going to be used for GAP coverage of fees or do we need to ask on top of that \$300,000 or take a portion of it and I just want to make sure that was absolutely clear is to what we're asking for.

**Dave Spatafore:** What we can do Senator is get with Patrice Dixon again, who oversees this program at UCA but she was comfortable with \$300,000 doing three FTE's and then GAP financing, so we can get from her what the delineation of revenues is, between FTE's and the GAP financing.

**Senator Anderegg:** That would be very helpful, Thank you. We have a final question from Michele Weaver.

**Michele Weaver:** With those conversations with UCA, I just wondered if the funding source was a landlord's make whole funding source that was created with the Governors housing task force a few or so years ago that I think Mike Ostermiller was on and they had a pool of funds, is that part of the mediation?

**Ashley Spatafore:** The bulk of this is not to pay landlords, the money will not go that way directly unless there's that small amount of GAP funding to help cover small things like fees or something but I think we can clarify how much of that will be used because UCA already does this, so I think we can clarify that but the intent is for additional mediators to expand access of mediation.

**Michele Weaver:** I understand that, my question is more, is that being used within the mediation services as part of the resources within the mediation resources, is that an available piece of the mediation resource?

**Ashley Spatafore:** I can't answer that.

**Tara Rollins:** I can answer that, so they spent \$500,000 of that and they had in the summer added an additional \$500,000 to a particular pool of funding and it is used for section 8 only and mediation doesn't touch that funding at all, It's administered by the state and the whole purpose was to help landlords continue to take section 8 vouchers, Mike correct me if I'm wrong.

**Mike Ostermiller:** That's exactly right, that money was just to allow a landlord whose residence or property was damaged in a section 8 voucher rental agreement under certain terms and conditions, so it would be completely separate from this.

**Michele Weaver:** Thank you both, I just couldn't remember the specifics on it.

**Jonathan Hardy:** if I may Senator, I wanted to mention that we do have kind of a blanket option in the Olene Walker code to advance affordable housing options and you wouldn't necessarily need legislation to create this, it's already allowed under state code to do something like this so if you wanted to get specifics, then that's an option.

**Senator Anderegg:** Ok, Dave and Ashley let talk about this, I'd like to kind of know what UCA's existing policies are and how much they might need of that amount and if we need to provide guidance for it from the states portion, I don't necessarily want to get into their existing operations and mess with it, and I'm not suggesting that we need guidance but if there is need for guidance, I want to get that all ironed out in the next several weeks if possible.

**David Spatafore:** Perfect, we will get to work on that with Patrice Dixon with UCA.

**Senator Anderegg:** Great! Let's move onto to Rural subcommittee updates with Michele Weaver.

**Michel Weaver:** Thank you, I do have quite a bit. I will say since the landlord/tenant mediation is fresh on our minds, I'll touch on that real quick, we talked about that in our last meeting and Ashley gave a great update, I did notice on the report that the calls that had come in and was wondering if we could start to request that UCA get some geographic information to find out where all those calls are coming from and reporting those resources are getting to where they need to be and how much there needed in rural areas, I think working through the housing authorities and AOG's is important and making sure the information is up front on their websites so they know it's available through UCA. We also briefly touched on HRZ's and we determined as a group that without boundaries, guidelines or guard rails to know how exactly how that's going to look and not sure how that's going to impact rural areas and how we can make that work for rural areas, we know it could be structured somewhat like CRA's so tax dollars could be involved and interestingly CRA's don't make sense for small towns because there isn't the

tax dollars to put into it, and an update on the GIS mapping and assessment of potential land and I've talked with LaNiece with WRC and we briefly talked how those layers and the data and partnership that possibly would come from AGRC and wondered if it might be advantageous for us to consider in the moderate income housing plans, and the final thing I want to touch on is the discussion of the definition of rural is ongoing, we're still working on that and back to Rep. Potter's point a couple meetings ago, there are parts of Cache county, and parts of Utah county that are not being included, if we delineate rural areas in 2<sup>nd</sup> class counties then we are eliminating some very rural areas that are in some very populated counties, so we're still working on that but it'll be city and town focused instead of county focused, could be population size but also the group is wanting to provide a little bit more narrow scope on remote because remote is even that much more challenging and potentially requesting a remote set aside or some sort of remote priority with rural funds and that is everything I have.

**Jonathan Hardy:** We did have a meeting with WRFC and the league, we agree that are some options we can integrate into the AGRC model that will create these layers and I think it would be good to have that central repository help support that and then have different sections of the state that will really help local entities utilize that and just an update on the budget request, we've got kind of a place holder in but I think it would be beneficial for you Senator, Rep. Waldrip to meet with the new budget manager and we should probably get that set up for those appropriations request.

**Senator Anderegg:** Sounds good, we'll need to have a meeting with our drafting attorney offline to see what that needs to look like. The next update would be land use which I know we are still waiting and Chris had to jump off for another meeting and before moving on, I'd like to invite Steve Waldrip my new co-chair moving forward, if you'll go ahead and introduce yourself Steve.

**Rep. Steve Waldrip:** This is my second term I got elected to the house, I live in Eden and I'm also on the Ogden Valley planning commission, we're an incorporated area and I've stayed on that because I'm very concerned about the future of development up here in our valley, we did a general plan a few years ago and on the affordable housing portion of that general plan and what we were required to do was kind of like "cut and paste" this was before I was in the legislature and was my experience in affordable housing before this that it just wasn't really thoughtfully put together and thoughtful in its conception or any thought to its implementation, so thank you Senator, I appreciate the time and Thank you Val for allowing me to follow in your footsteps.

Moving on with the agenda, we'll pick back up with the CDC Moratorium with Tara Rollins.

**Tara Rollins:** (see attached)

Thank you for having me present today and I've put together this power point to help you understand what is happened, what is happening and we don't know what's going to happen but starting from the beginning with COVID, we knew that 211 was going to be central place to disseminate information and they did a great job to ensure they had the best information to give out to tenants in need or even landlords that called to see what they can do for their tenants. The top two calling items is utilities and rent assistance and housing issues has been probably #1 calling requests. We had the Governors moratorium that started on April 1<sup>st</sup> and in effect until May 15<sup>th</sup> and the next moratorium that came out



of the blue was in September which is a CDC moratorium but it was very confusing to many of us to wrap our heads around and make sure we were getting the best information out to tenants as well as landlords, we've been meeting about 11 weeks around this particular issue CDC moratorium, we've been meeting with legal services. I want to bring us back to the beginning of COVID and the CARES Act funding that came in, I've always said the state did an incredible job in terms of trying to get this money out the door as quickly as possible. I want to touch on the mediation calls from April to October and right now the main calls are for rental assistance and lease termination but there's a whole gamut of issues that they deal with, and if we're talking about the \$20million dollars now, we've has several different pots of funding that can help with housing assistance and the state payments started in June which started out slow but increased and really went up between August and September as far as people being able to pay their rent, and I'd like to mention we are out of funding, right now the Utah community action is not taking any more applications or phone calls for housing assistance in Salt Lake county and that is really hard to hear knowing we still have until December 30<sup>th</sup> before the next moratorium is being lifted. We have another program that was started which is the landlord housing assistance program that started mid-September and was allocated 8million dollars and 5.3 million has already been spent so far which these funds will be gone very quickly but any funds that HAP does not spend will be reallocated to the landlord program. Is the state prepared because we need to act now and the state needs to be proactive not reactive, it's been tough and I think it's time we look at housing in a much different way right now due to the pandemic, I think the state needs to be put in a task force to dive deeper in the problem of mass loss of housing stability, putting together a roadmap plan of action and where will people go if our shelters are full, we know that people are not living in stable housing, so landlords should be flexible in rent, making payment plans, reduce or waive fees or allow tenants to end the lease if needed due to COVID and certain eviction types that happen between April 2020-December 2021 need to be sealed because rehousing will become impossible. If we were to get a task force together then we could really dive deep into numbers and make sure that both tenants and landlords are held whole, every agency tenant outreach conversations are what's going to happen in January to tenants, landlords and service agencies because its creating hopelessness and really, we're all in this together and lets just work together to make sure we do not have a cliff effect come the first of the year and that's what I have and will take any questions.

**Senator Anderegg:** Thank you very much Tara, I think what we are legitimately facing here is a scenario where there is a cliff, even if it is just a gap, if you will, I can't speak on President Trumps and his administration but I would imagine that President Trumps administration isn't going to do much on this or on a relief package, given an uncertain outcome from both the senate and an adversary house to his administration at least, so I would imagine from January 1<sup>st</sup> through January 20<sup>th</sup>, I don't think we're going to get any help whatsoever from the feds, that's the political reality and id I'm wrong, then I'll be happy and surprised but I don't think that's realistic to expect to feds to set up and get something done. The question is here on the state side, the best case scenarios, we have Governor Herbert, Governor Cox intervention of some sort through executive order which would most likely end up in a law suit if we were to do a statewide moratorium as opposed to a federal moratorium and our process as legislation in this bill wouldn't even be heard until the earliest, Tuesday January 19<sup>th</sup>, so the question I have is, would it make sense for us to try to put an immediate effective date and we'd need to meet with

Governor Cox to get his buy in on this and if there is money associated with anything that we might do around rental assistance, there are things that we definitely can have the conversation on, anyone have any other comments or concerns?

**Andrew Johnston:** This is extreme circumstances that we see coming in a month and half out and I think as a commission, we have a responsibility to give the information to the governor's office and give them a very clear picture of what we're looking at in advance, I think seeing it this far out and not doing anything as a commission is not something we should feel comfortable at all.

**Senator Anderegg:** I just heard a motion from you to authorize a delegation from our commission members to go to the governor and make a presentation to him and to Spencer Cox, to make them aware of the situation that we're facing, did I understand your motion correctly?

**Andrew Johnston:** Yes you did.

**Senator Anderegg:** Ok, so that motion is in order and I would like to open it up for discussion to that motion and/or discussion of a recommendation to who that delegation should be.

**Mike Ostermiller:** Can I ask a question about the motion, are we talking about making policy recommendations and are we talking about making a proposal or presentation on rent, rental assistance or eviction moratoriums or both?

**Andrew Johnston:** In my view, it's a combination, I think everyone gets hurt by this if we don't do anything, landlords, renters etc. I don't know the right balance and combination of those things but I think it all needs to be on the table and maybe a mixture.

**Mike Ostermiller:** I'm on the commission of realtors and I think we would have no problem in making a recommendation regarding rental assistance, we would have a problem if part of that recommendation entailed an evictions moratorium then we would have a concern with that, so again it depends on if we talking of giving that information or if we're actually going to recommend on behalf of the commission.

**Tara Rollins:** Mike, I think it would be really healthy to have the discussion about the moratorium because I agree, what is the answer, I think we need to look at tenants and landlords alike when it comes to that moratorium and what other options do we have, so I think I we could flush that out, that question then I think the moratorium is just kicking the can down the road.

**Mike Ostermiller:** I get that and I also understand there is rarely going to be a unanimous consent from the commission and I don't think our role as a commission is to make policy decisions, we're here to provide information to policy makers and then to make recommendations, and I'm ok presenting that information and as an option, as long as it's clear that it's not a unanimous position on behalf of the commission.

**Senator Anderegg:** So if I understood you now Mike, I heard you presented a substitute motion, which is to support the underline motion but to request that we actually list the votes of each of the commission members to show what they were in support of versus what they were not in support of.

**Mike Ostermiller:** Yeah, I think that would be a good way to do it.

**Senator Anderegg:** Discussion to the substitute motion, lets come back to the maker of the motion, Andrew, how do you feel about that potential substitute motion?

**Andrew Johnston:** My only concern is that we haven't actually put out any of the details of what the votes would entail and it seems cumbersome to have that discussion now since we don't have the details of it but I have a personal opinion about the play between the moratorium and subsidies and I think they have to work hand in hand but is it problematic to do a vote now if we haven't flushed out those details?

**Senator Anderegg:** Let's go to Rep. Briscoe who has more experience with parliamentary procedure.

**Rep. Joel Briscoe:** I'm wondering if your suggestion leads to a split motion, there's a motion to recommend to the governor elect, some housing, rental support and there's also a separate discussion about whether the state should consider an eviction moratorium.

**Senator Anderegg:** That's a good point and I'm going to come back to you Andrew as far as your underline motion is concerned, would you consider assuming the substitute motion moves forward or not, would you consider taking two separate motions on those two issues?

**Andrew Johnston:** Yes, I'm fine with that Mr. Chair.

**Senator Anderegg:** Mr. Ostermiller, I'm wondering if your substitute motion can be modified to reflect the recommendation by Rep. Briscoe.

**Mike Ostermiller:** Absolutely.

**Senator Anderegg:** To restate, so everyone understands the substitute motion modification before we take any votes, the underline motion was to set a delegation with an informational download to the governor elect as well as potential recommendations, the substitute motion which has now been modified is to split these two issues in that motion in to separate votes, separate motions, so the substitute motion would be that we would talk about not only the rental assistance component and the request that we're going to have and the issue with our timing as far as that might go and the second portion of it would be that if there is, as part of our informational portion to the governor elect, if there's a moratorium issue and recommendation request for that period of time basically from January 1 through whenever we might be able to get some legislation passed, Mike did I state that correctly?

**Mike Ostermiller:** That sounds great.

**Senator Anderegg:** Ok, I just want to be absolutely clear on what the amended substitute motion is and is there any discussion to the amended substitute motion, this motion is not for what we're going to do, but this motion is to address these separately. Motion to accept the amended substitute motion. Motion carries. All unanimous.

Now we have those two issues separated and we'll talk about what we're going to recommend so that someone could make a specific motion of what the commission is going to recommend to the governor elect and we'll start with the first item which is, are issues with the rental assistance package which I understand it, bases upon our conversations and appropriations request, what we are asking for I s \$300,000 for mediation as well as GAP funding, are we asking for anything else as part of this?

**Jonathan Hardy:** If I may, what I heard was that we're going to have a GAP under any circumstance of funding from the time the 20million runs out which at earliest is beginning December or latest probably mid-December, between then if there is any state of federal package from January 20<sup>th</sup> to February 1<sup>st</sup> so we've got a window there that if people want to support rental assistance, the programs that we've been doing right now to keep people housed, we're spending about 7million dollars a month for October and November, so if you want to continue the programs for that time period, there just has to be a proration amount that's kind of in that neighborhood amount if you want to continue what we're doing and fill that gap, whether there's money in the state to do that and obviously the CRAES Act money expires December 30<sup>th</sup>, I believe there's some state money that was appropriated that was part of the emergency response, I don't know if there's any available that's already been appropriated by the legislature but not allocated, that would be something we would be going to request or are you suggesting that we're really just dealing with an appropriations request in the legislative session that would be effective February 1, this is separate and apart from the \$500,000 that we heard today that's going into the bill or that are being requested as part of those separate items, we're just talking about the COVID 19 response?

**Senator Anderegg:** Right, I think what would be prudent for us to do is have a conversation where we present these facts to the governor elect and ask him point blank, if there are any other funds available that could be applied to this in the existing appropriations fiscal year that we might be able to tap for this GAP, in addition to that I would recommend we talk to him about the process of an immediate effective date with an appropriations request, if we're making an appropriations request in and above the \$300,000 for the mediation, that is kind of a separate thing even though it's tied to this but what we're talking about is, if there is a rental assistance type program, are we going to ask for any additional money and that ultimately is the question, so if there is action then how do we get in force as fast as possible, right?

**Janice Kimball:** I think you mentioned this but I was going to propose that we paint the picture of the challenge and we ask for the moratorium and make a case for additional rental assistance depending what they're willing or interested to do.

**Rep. Joel Briscoe:** Based on the last comment from Janice, we're separating out for now, the concept of the moratorium and right now, we are discussing rental assistance, I think we have a good outline from Jonathan, letting the governor elect know, here's what we've been spending now which is 7million dollars a month and this is our history for 60days, 90days, I think that could go up potentially, we've got some reduced economic activity these two weeks at the request of the governor and maybe it's not that great of reduced activity. This could run out in December and we'll have people in the middle of the holiday season without work, under employed, incapable of paying rent and just the cliff could come earlier than January 1 for some individuals, one of the talk I hear that I'm not sure is accurate is that there's still unexpended CARES funds and my understanding was its all unappropriated but one of your options to the governor elect who is shown some great sensitivity to conditions of the homeless is coming up with legislative leadership and working with legislative leadership on finding another 5-10million dollars that might tie people over on rental assistance and speaking with Jonathan Hardy and some others with DWS that we could show him what that outlay is and what that could potentially look like moving forward.

**Jess Peterson:** Going off what Rep. Briscoe just said, this cliff is going to come sooner than January 1, we've already got an agency that's stopped taking in applications and I received notification earlier today that we have two more agencies that will stop intake next week and with the way the landlord side is going, we'll be out of those funds that we've allocated to that program before December and we may or may not be able to help people with Decembers rent so this cliff could come in December sometime so I think we should take that into consideration that the GAP doesn't start January 1<sup>st</sup> because the program ends but the GAP starts really in December because some of these agencies have stopped taking applications.

**Senator Anderegg:** It seems to me like the delegation will probably need to go meet with Governor Herbert because he'll have to make whatever appropriations and if we decide that we want to make the recommendations and make him acutely aware and with governor elect Cox so that they're on the same page for this transition, so the question is who should go and meet with them and I'm turning to Jonathan here, can you help schedule a meeting and who do we want to send for this delegation and are we making recommendations, if so, then I believe we need to have an affirmative vote by the commission or are we simply informing them of the issue?

**Jonathan Hardy:** Yes, I can help set up a meeting if we can identify who's going and I think it would be good to have a specific target amount beyond just informing what's happening, if you want to make a request, again I don't know what funds are available but I think its something we can do a little prep work on before the meeting but I can inquire the governor's office the management and budget where were at on that.

**Rep. Joel Briscoe:** To answer some of your questions Mr. Chair, I think we need to have a positive vote of this commission, I would recommend that you, Rep. Waldrip and I go to meet with the governors elect and If you want to add anyone else, I would be ok with that, I think we should lean on what we've leaned on the past and that's Mr. Hardy and his able crew to help give us some idea on the amount, you

can get either get behind it, ahead of it or in the middle of it but we're all going to be better off if you get ahead of it rather than wait for it to happen and then try and clean it up after.

**Senator Anderegg:** I think I just heard a new motion which is to approve a delegation of Senator Anderegg, Rep. Waldrip, Rep. Briscoe and Jonathan Hardy to go and wait on the governor and the governor elect and make them aware of this situation and to provide our recommendations, did I state that correctly Rep. Briscoe?

**Rep. Briscoe:** Yes, think of it like as a friendly addendum to the current motion.

**Rep. Waldrip:** I would suggest that we add Rep. Potter to that meeting group.

**Senator Anderegg:** I agree, so the amended modified motion from Rep. Waldrip is the delegation to be Senator Anderegg, Rep. Potter, Rep Briscoe, Rep Waldrip and Jonathan Hardy and to get that scheduled as soon as possible. Motion carries. All unanimous.

**Senator Anderegg:** Now we need to take votes on what we're recommending specifically, what we are recommending is the following:

- 1- Need funding to the GAP as soon as possible
- 2- Suggesting a moratorium during this GAP

Any discussion to this motion, comments?

**Mike Ostermiller:** Again, just to confirm that we would not support an eviction moratorium, even during the GAP, the funding is no problem and rental assisting, we are in full support of that and everything Rep. Briscoe just mentioned but in fact we would oppose to an eviction moratorium.

**Senator Anderegg:** Based upon the modified amended motion from Rep. Briscoe, the motion is:

That the delegation presents the facts to the governor and the governors elect and recommend funding (if any available) recommend funding for rental assistance to fill the GAP, anticipating from December 1 – February 1 (roughly) until the legislature might take an additional step.

*Roll call vote: All unanimous - Motion carries.*

The second vote is to make an express recommendation for a short term GAP moratorium on evictions.

**Jess Peterson:** Do we want to specify that the moratorium will be based on non-payment rather than just ban overall moratorium?

**Janice Kimball:** I would make it tied specifically to non-payment of rent, excluding other lease violations.

**Senator Anderegg:** So that is a suggested amendment to Rep. Briscoe's motion, Rep. Briscoe, are you ok with that?

**Rep. Joel Briscoe:** Yes.

**Senator Anderegg:** ok Jess, so we are modifying the motion vote that the commission makes a recommendation for a moratorium on evictions for non-payment, is that correct?

**Jess Peterson:** Yes.

**Rep. Joel Briscoe:** Are we talking about a December 1 to February 1 time frame?

**Jonathan Hardy:** We already have an eviction moratorium until December 31<sup>st</sup> on this very thing so we're really talking January 1 to whatever date we are setting in the future.

**Senator Anderegg:** So that moratorium is a federal moratorium not a state moratorium, correct?

**Jonathan Hardy:** Correct, it's similar to what we are talking about now, which is non-payment of rent.

**Senator Anderegg:** I'll restate it and modify it again, the motion is:

For the commission to make recommendations for a moratorium on evictions for non-payment, asking the governor and governors elect to institute a moratorium on evictions for failure for non-payment between January 1 and February 1.

*Roll call vote: 3 nay / 10 aye – Motion carries.*

Further discussion to this and when is our time frame, Jonathan how quickly do you think we might be able to get something set up?

**Jonathan Hardy:** I'll reach out today and see what we can get set up, we may be talking first with the governor's office management and budget before we get to the governor but I think we'll do those check ins quickly and we'll see what we can get set up with the governor and the governors elect.

**Senator Anderegg:** From today, I'm going to sit down with Peter Asplund, Rep. Briscoe, Rep. Waldrip and Rep. Potter, if he's interested and really make sure that everything we discussed here is encapsulated and that we initiate that process and really move forward and also figure out what Peter's time frame is for putting that draft together, perhaps we can get something done by our Dec 9<sup>th</sup> meeting but I will keep you posted on what that looks like, my hope is that our Dec 9<sup>th</sup> meeting that we'll be reviewing language and making whatever tweaks there might be as well as potentially another meeting in the first part of January where we can finalize and take a motion for a final recommendation on this year's affordable housing bill, seeing no further questions, I'll entertain a final motion.

**Motion to adjourn by Beth Holbrook at 12:03pm**

**Next Meetings:** December 9, 2020 at 10:00am