

HB0462S02 compared with HB0462S01

~~{deleted text}~~ shows text that was in HB0462S01 but was deleted in HB0462S02.

inserted text shows text that was not in HB0462S01 but was inserted into HB0462S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Steve Waldrip}~~Senator Jacob L. Anderegg proposes the following substitute bill:

UTAH HOUSING AFFORDABILITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: ~~{~~Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies provisions related to affordable housing and the provision of services related to affordable housing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires certain political subdivisions to adopt an implementation plan as part of the moderate income housing element of the political subdivision's general plan;
- ▶ modifies the list of strategies that a political subdivision may select, or are required to select, for implementation as part of the moderate income housing element of the political subdivision's general plan;

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- ▶ requires certain municipalities to develop and adopt station area plans for specified areas surrounding public transit stations;
- ▶ requires certain political subdivisions to amend the political subdivision's general plan by a specified date if the general plan does not include certain provisions related to moderate income housing;
- ▶ modifies requirements for a political subdivision's annual moderate income housing report to the Housing and Community Development Division (division) within the Department of Workforce Services (department);
- ▶ allows a political subdivision to have priority consideration for certain funds or projects if the political subdivision demonstrates plans to implement a certain number of moderate income housing strategies;
- ▶ prohibits a political subdivision from receiving certain funds if the political subdivision fails to comply with moderate income housing reporting requirements;
- ~~{~~ → requires a political subdivision to require the owner of a dwelling to obtain a license or permit for renting internal accessory dwelling units;
- allows a political subdivision to require certain physical changes for internal accessory dwelling units constructed before a specified date;
- limits a political subdivision's ability to impose certain requirements on internal accessory dwelling units constructed before a specified date;
- ‡ ▶ prohibits a political subdivision from imposing impact fees for the construction of certain internal accessory dwelling units;
- ▶ requires the Point of the Mountain State Land Authority to ~~{ensure that a certain percentage of the proposed housing units within the point of the mountain state land are dedicated to affordable housing and to report annually to}~~ consult with the Unified Economic Opportunity Commission in planning the development of the point of the mountain state land;
- ▶ modifies requirements for a public transit district to participate in a transit-oriented development;
- ▶ requires certain counties to create a housing and transit reinvestment zone by a specified date;
- ▶ modifies local referenda signature requirements for local land use laws that relate to

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the use of land within certain transit areas;

- ▶ limits the referability to voters of local land use laws that relate to the use of land within certain transit areas;
- ▶ requires the division to develop a statewide database of moderate income housing units;
- ▶ requires the division to develop a methodology for determining whether a political subdivision is complying with certain moderate income housing requirements, to be submitted to and approved by the Commission on Housing Affordability by a certain date;
- ▶ modifies the membership of the Olene Walker Housing Loan Fund Board;
- ▶ requires an entity that receives any money from the Olene Walker Housing Loan Fund after a certain date to provide an annual accounting to the department;
- ▶ repeals certain limits on the amount of money the department may distribute from the Economic Revitalization and Investment Fund;
- ▶ establishes the Rural Housing Fund, to be used by the division to provide loans for certain moderate income housing projects in rural areas;
- ▶ allows the department to use a certain amount of money from specified funds to offset administrative costs;
- ▶ allows the Private Activity Bond Review Board to transfer certain unused allotment account funds to any other allotment account, and exempts such funds from certain set aside requirements;
- ▶ allows state entities, in addition to political subdivisions, to grant real property for certain developments that include moderate income housing;
- ▶ allows the Governor's Office of Economic Opportunity to use funds from the Industrial Assistance Account to provide financial assistance to entities offering technical assistance to municipalities for planning; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ to Department of Workforce Services -- Housing and Community Development, as a one-time appropriation:

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- from the General Fund, \$500,000;
- ▶ to Department of Workforce Services -- Housing and Community Development, as a one-time appropriation:
 - from the General Fund, \$750,000;
- ▶ to Department of Workforce Services -- Administration, as an ongoing appropriation:
 - from the General Fund, \$132,000;
- ▶ to Department of Workforce Services -- Housing and Community Development, as a one-time appropriation:
 - from the General Fund, \$250,000; and
- ▶ to Department of Workforce Services -- Housing and Community Development, as a one-time appropriation:
 - from the General Fund, \$250,000 ~~{, and}~~;

~~{ → to Department of Commerce -- Commerce General Regulation, as an ongoing appropriation:~~

~~• from General Fund Restricted -- Commerce Service Account, \$250,000.~~

~~{~~ Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

10-9a-103, as last amended by Laws of Utah 2021, Chapters 140 and 385

10-9a-401, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-404, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-408, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

10-9a-509, as last amended by Laws of Utah 2021, Chapters 140 and 385

~~{ → **10-9a-511.5**, as last amended by Laws of Utah 2021, Chapter 102~~

~~→ **10-9a-530**, as enacted by Laws of Utah 2021, Chapter 102~~

~~{ **11-36a-202**, as last amended by Laws of Utah 2021, Chapter 35~~

11-59-203, as enacted by Laws of Utah 2018, Chapter 388

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17-27a-103, as last amended by Laws of Utah 2021, Chapters 140, 363, and 385

17-27a-401, as last amended by Laws of Utah 2021, Chapter 363

17-27a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

17-27a-404, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355

17-27a-408, as last amended by Laws of Utah 2020, Chapter 434

17-27a-508, as last amended by Laws of Utah 2021, Chapters 140 and 385

~~17-27a-510.5, as last amended by Laws of Utah 2021, Chapter 102~~

~~17-27a-526, as enacted by Laws of Utah 2021, Chapter 102~~

† 17B-2a-802, as last amended by Laws of Utah 2020, Chapter 377

17B-2a-804, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

20A-7-601, as last amended by Laws of Utah 2021, Chapter 140

20A-7-602.8, as last amended by Laws of Utah 2021, Chapter 418

35A-8-101, as last amended by Laws of Utah 2021, Chapter 281

35A-8-503, as last amended by Laws of Utah 2019, Chapter 327

35A-8-504, as last amended by Laws of Utah 2020, Chapter 241

35A-8-507.5, as enacted by Laws of Utah 2021, Chapter 333

35A-8-508, as last amended by Laws of Utah 2014, Chapter 371

35A-8-509, as enacted by Laws of Utah 2017, Chapter 279

35A-8-510, as enacted by Laws of Utah 2017, Chapter 279

35A-8-511, as enacted by Laws of Utah 2017, Chapter 279

35A-8-512, as enacted by Laws of Utah 2017, Chapter 279

35A-8-513, as enacted by Laws of Utah 2017, Chapter 279

35A-8-803, as last amended by Laws of Utah 2019, Chapter 327

35A-8-2105, as renumbered and amended by Laws of Utah 2018, Chapter 182

35A-8-2106, as renumbered and amended by Laws of Utah 2018, Chapter 182

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

63J-4-802, as enacted by Laws of Utah 2021, First Special Session, Chapter 4

63N-3-603, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

72-1-304, as last amended by Laws of Utah 2021, Chapters 239, 239, 411, and 411

72-2-124, as last amended by Laws of Utah 2021, Chapters 239, 387, and 411

ENACTS:

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10-9a-403.1, Utah Code Annotated 1953

35A-8-509.5, Utah Code Annotated 1953

63L-12-101, Utah Code Annotated 1953

63N-3-113, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

63L-12-102, (Renumbered from 10-8-501, as enacted by Laws of Utah 2021, Chapter 333)

Utah Code Sections Affected by Coordination Clause:

10-9a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

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

Section 1. Section **10-9a-103** is amended to read:

10-9a-103. Definitions.

As used in this chapter:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

(2) "Adversely affected party" means a person other than a land use applicant who:

(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or

(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

(3) "Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

(a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

(b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or

(c) the entity has filed with the municipality a request for notice during the same

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calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(4) "Affected owner" means the owner of real property that is:

(a) a single project;

(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601~~[(5)]~~(6); and

(c) determined to be legally referable under Section 20A-7-602.8.

(5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(7) (a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

(8) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(9) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

(b) Utah Constitution Article I, Section 22.

(10) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

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(11) "Development activity" means:

(a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;

(b) any change in use of a building or structure that creates additional demand and need for public facilities; or

(c) any change in the use of land that creates additional demand and need for public facilities.

(12) (a) "Development agreement" means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.

(b) "Development agreement" does not include an improvement completion assurance.

(13) (a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

(14) "Educational facility":

(a) means:

(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection (14)(a)(i); and

(B) used in support of the use of that building; and

(iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection (14)(a)(i);

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and

- (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or
- (ii) a therapeutic school.

(15) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

(16) "Flood plain" means land that:

- (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
- (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

(17) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

(18) "Geologic hazard" means:

- (a) a surface fault rupture;
- (b) shallow groundwater;
- (c) liquefaction;
- (d) a landslide;
- (e) a debris flow;
- (f) unstable soil;
- (g) a rock fall; or
- (h) any other geologic condition that presents a risk:
 - (i) to life;
 - (ii) of substantial loss of real property; or
 - (iii) of substantial damage to real property.

(19) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:

- (a) recommend land use regulations to preserve local historic districts or areas; and
- (b) administer local historic preservation land use regulations within a local historic

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district or area.

(20) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

(21) "Identical plans" means building plans submitted to a municipality that:

(a) are clearly marked as "identical plans";

(b) are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and

(c) describe a building that:

(i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

(ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;

(iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and

(iv) does not require any additional engineering or analysis.

(22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

(23) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

(24) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

(a) complies with the municipality's written standards for design, materials, and workmanship; and

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

(25) "Improvement warranty period" means a period:

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(a) no later than one year after a municipality's acceptance of required landscaping; or

(b) no later than one year after a municipality's acceptance of required infrastructure,

unless the municipality:

(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

(26) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human occupation; and

(b) an applicant must install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) whether the improvement is public or private, as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

(27) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b) (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

(28) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(29) "Land use application":

(a) means an application that is:

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- (i) required by a municipality; and
- (ii) submitted by a land use applicant to obtain a land use decision; and
- (b) does not mean an application to enact, amend, or repeal a land use regulation.

(30) "Land use authority" means:

(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or

(b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

(31) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit;

(b) a land use application; or

(c) the enforcement of a land use regulation, land use permit, or development agreement.

(32) "Land use permit" means a permit issued by a land use authority.

(33) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;

(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

(34) "Legislative body" means the municipal council.

(35) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

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(36) "Local historic district or area" means a geographically definable area that:

(a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and

(b) is subject to land use regulations to preserve the historic significance of the local historic district or area.

(37) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

(38) (a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

(i) whether or not the lots are located in the same subdivision; and

(ii) with the consent of the owners of record.

(b) "Lot line adjustment" does not mean a new boundary line that:

(i) creates an additional lot; or

(ii) constitutes a subdivision.

(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of Transportation.

(39) "Major transit investment corridor" means public transit service that uses or occupies:

(a) public transit rail right-of-way;

(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

or

(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

(i) a public transit district as defined in Section 17B-2a-802; or

(ii) an eligible political subdivision as defined in Section 59-12-2219.

(40) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

(41) "Municipal utility easement" means an easement that:

(a) is created or depicted on a plat recorded in a county recorder's office and is

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described as a municipal utility easement granted for public use;

(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

(c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;

(d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;

(e) (i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and

(ii) is located in a utility easement granted for public use; or

(f) is described in Section 10-9a-529 and is used by a specified public utility.

(42) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and

(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

(43) "Noncomplying structure" means a structure that:

(a) legally existed before the structure's current land use designation; and

(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

(44) "Nonconforming use" means a use of land that:

(a) legally existed before its current land use designation;

(b) has been maintained continuously since the time the land use ordinance governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(45) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for

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highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the municipality's general plan.

(46) "Parcel" means any real property that is not a lot.

(47) (a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

(i) none of the property identified in the agreement is a lot; or

(ii) the adjustment is to the boundaries of a single person's parcels.

(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.

(48) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(49) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the municipality;

(b) an estimate of the need for moderate income housing in the municipality for the next five years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

(50) "Plat" means an instrument subdividing property into lots as depicted on a map or

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other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

(51) "Potential geologic hazard area" means an area that:

(a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

(52) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, local district, special service district, or other political subdivision of the state; or

(d) a charter school.

(53) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

(54) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

(55) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

(56) "Receiving zone" means an area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

(57) "Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

(58) "Residential facility for persons with a disability" means a residence:

(a) in which more than one person with a disability resides; and

(b) (i) which is licensed or certified by the Department of Human Services under Title

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62A, Chapter 2, Licensure of Programs and Facilities; or

(ii) which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(59) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

- (a) parliamentary order and procedure;
- (b) ethical behavior; and
- (c) civil discourse.

(60) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

(61) "Sending zone" means an area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

(62) "Specified public agency" means:

- (a) the state;
- (b) a school district; or
- (c) a charter school.

(63) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

(64) "State" includes any department, division, or agency of the state.

(65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and

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industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or

(B) joining a lot to a parcel;

(iv) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:

(A) no new dwelling lot or housing unit will result from the adjustment; and

(B) the adjustment will not violate any applicable land use ordinance;

(v) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

(A) is in anticipation of future land use approvals on the parcel or parcels;

(B) does not confer any land use approvals; and

(C) has not been approved by the land use authority;

(vi) a parcel boundary adjustment;

(vii) a lot line adjustment;

(viii) a road, street, or highway dedication plat;

(ix) a deed or easement for a road, street, or highway purpose; or

(x) any other division of land authorized by law.

(66) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-9a-608 that:

(a) vacates all or a portion of the subdivision;

(b) alters the outside boundary of the subdivision;

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- (c) changes the number of lots within the subdivision;
 - (d) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
 - (e) alters a common area or other common amenity within the subdivision.
- (67) "Substantial evidence" means evidence that:
- (a) is beyond a scintilla; and
 - (b) a reasonable mind would accept as adequate to support a conclusion.
- (68) "Suspect soil" means soil that has:
- (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
 - (b) bedrock units with high shrink or swell susceptibility; or
 - (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- (69) "Therapeutic school" means a residential group living facility:
- (a) for four or more individuals who are not related to:
 - (i) the owner of the facility; or
 - (ii) the primary service provider of the facility;
 - (b) that serves students who have a history of failing to function:
 - (i) at home;
 - (ii) in a public school; or
 - (iii) in a nonresidential private school; and
 - (c) that offers:
 - (i) room and board; and
 - (ii) an academic education integrated with:
 - (A) specialized structure and supervision; or
 - (B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.
- (70) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.
- (71) "Unincorporated" means the area outside of the incorporated area of a city or

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town.

(72) "Water interest" means any right to the beneficial use of water, including:

- (a) each of the rights listed in Section 73-1-11; and
- (b) an ownership interest in the right to the beneficial use of water represented by:
 - (i) a contract; or
 - (ii) a share in a water company, as defined in Section 73-3-3.5.

(73) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 2. Section **10-9a-401** is amended to read:

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

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

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

(2) The general plan may provide for:

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

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

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

- (i) food and water; and
- (ii) drainage, sanitary, and other facilities and resources;
- (d) the use of energy conservation and solar and renewable energy resources;
- (e) the protection of urban development;
- (f) if the municipality is a town, the protection or promotion of moderate income

housing;

(g) the protection and promotion of air quality;

(h) historic preservation;

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

(j) an official map.

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

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

~~[(i) a city of the first, second, third, or fourth class;]~~

~~[(ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; and]~~

~~[(iii) a metro township with a population of 5,000 or more.]~~

~~[(c) The population figures described in Subsections (3)(b)(ii) and (iii) shall be derived from:]~~

~~[(i) the most recent official census or census estimate of the United States Census Bureau; or]~~

~~[(ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the Utah Population Committee.]~~

(3) (a) The general plan of a specified municipality, as defined in Section 10-9a-408, shall include a moderate income housing element that meets the requirements of Subsection 10-9a-403(2)(a)(iii).

(b) On or before October 1, 2022, a specified municipality, as defined in Section 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a).

(4) Subject to Subsection 10-9a-403(2), the municipality may determine the comprehensiveness, extent, and format of the general plan.

Section 3. Section **10-9a-403** is amended to read:

10-9a-403. General plan preparation.

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

(b) The planning commission shall make and recommend to the legislative body a

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proposed general plan for the area within the municipality.

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

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

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

(i) a land use element that:

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

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

(ii) a transportation and traffic circulation element that:

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

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

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

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

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

(iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and

(C) includes an implementation plan as provided in Subsection (2)(c).

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

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

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

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

(ii) for a town, may include, and for ~~[other municipalities]~~ a specified municipality as defined in Section 10-9a-408, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;

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

(A) rezone for densities necessary to ~~[assure]~~ facilitate the production of moderate income housing;

(B) ~~[facilitate]~~ demonstrate investment in the rehabilitation or expansion of infrastructure that ~~[will encourage]~~ facilitates the construction of moderate income housing;

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(C) ~~[facilitate]~~ demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) ~~[consider]~~ identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the ~~[city]~~ municipality for the construction or rehabilitation of moderate income housing;

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

(F) ~~[allow]~~ zone or rezone for higher density or moderate income residential development in commercial ~~[and]~~ or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;

(G) ~~[encourage higher density or]~~ amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;

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

(I) amend land use regulations to allow for single room occupancy developments;

(J) implement zoning incentives for ~~[low to]~~ moderate income units in new developments;

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

~~[(L)]~~ ~~(K)~~ preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;

~~[(M)]~~ ~~(L)~~ reduce, waive, or eliminate impact fees~~[, as defined in Section 11-36a-102,]~~ related to ~~[low and]~~ moderate income housing;

~~[(N)]~~ ~~participate in~~ ~~(M)~~ demonstrate creation of, or participation in, a community land trust program for ~~[low or]~~ moderate income housing;

~~[(O)]~~ ~~(N)~~ implement a mortgage assistance program for employees of the municipality ~~[or of]~~, an employer that provides contracted services to the municipality, or any other public

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employer that operates within the municipality;

~~[(P)] (O)~~ apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

~~[(Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;]~~

~~[(R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;]~~

~~[(S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;]~~

~~[(T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;]~~

~~[(U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;]~~

~~[(V) utilize] (P)~~ demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency[; and] to create or subsidize moderate income housing;

(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

(S) create a program to transfer development rights for moderate income housing;

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(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;

(U) develop a moderate income housing project for residents who are disabled or 55 years ~~of age~~old or older;

(V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

(W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and

~~[(W)]~~ (X) demonstrate implementation of any other program or strategy [implemented by the municipality] to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing ~~;~~ or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing;
and

(iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement ~~[the strategies]~~:

(A) the strategy described in Subsection (2)(b)(iii)(V); and

(B) a strategy described in Subsection (2)(b)(iii)(G) ~~[or]~~ (H), or (Q).

(c) (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.

(ii) The timeline described in Subsection (2)(c)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, ~~whether one-time or ongoing~~; and

(B) provide flexibility for the municipality to make adjustments as needed.

~~[(c)]~~ (d) In drafting the land use element, the planning commission shall:

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

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture~~[-]; and~~

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(iii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.

~~[(d)]~~ (e) In drafting the transportation and traffic circulation element, the planning commission shall:

(i) (A) consider and coordinate with the regional transportation plan developed by ~~[its]~~ the region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or

~~[(ii)]~~ (B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the municipality is not within the boundaries of a metropolitan planning organization~~[-];~~ and

(ii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

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

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

(i) historic preservation;

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

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

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

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

(f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
and

(g) any other element the municipality considers appropriate.

Section 4. Section **10-9a-403.1** is enacted to read:

10-9a-403.1. Station area plan requirements -- Contents -- Review and certification by applicable metropolitan planning organization.

(1) As used in this section:

(a) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public transit station is located.

(b) "Applicable public transit district" means the public transit district, as defined in Section 17B-2a-802, of which a fixed guideway public transit station is included.

(c) "Existing ~~fixed guideway~~ public transit station" means a fixed guideway public transit station for which construction begins before ~~May 4~~ June 1, 2022.

~~(d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.~~

~~(e) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.~~

~~(f)~~ "New ~~fixed guideway~~ public transit station" means a fixed guideway public transit station for which construction begins on or after ~~May 4~~ June 1, 2022.

~~(g)~~ "Qualifying land use application" means a land use application ~~that~~:

(i) that involves land located within a station area for an existing public transit station that provides rail services;

(ii) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection (2)(a);

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(iii) that proposes the development of an area greater than five contiguous acres;

(iv) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;

(v) that would require a higher density than the density currently allowed by the municipality; ~~and~~

(vi) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and

(vii) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection (2)(a) for the station area in which the development is proposed, subject to Subsection (3)(d).

~~(f)g~~h (i) "Station area" means:

(A) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform;
or

(B) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.

(ii) "Station area" includes any parcel bisected by the radius limitation described in Subsection (1)(~~f)g~~h(i)(A) or (B).

~~(f)h~~i "Station area plan" means a plan that:

(i) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and

(ii) is developed and adopted in accordance with this section.

(2) (a) Subject to the requirements of this section, a municipality that has a fixed guideway public transit station located within the municipality's boundaries shall, for the station area:

(i) develop and adopt a station area plan; and

(ii) adopt any appropriate land use regulations to implement the station area plan.

(b) The requirements of Subsection (2)(a) shall be considered satisfied if:

(i) (A) the municipality has already taken actions to satisfy the requirements of Subsection (2)(a) for a station area, including actions that involve public and stakeholder

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engagement processes, market assessments, the creation of a station area vision, planning and implementation activities, capital programs, the adoption of land use regulations, or other similar actions; and

(B) the municipality adopts a resolution demonstrating the requirements of Subsection (2)(a) have been satisfied; or

(ii) (A) the municipality has determined that conditions exist that make satisfying a portion or all of the requirements of Subsection (2)(a) for a station area impracticable, including conditions that relate to existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions; and

(B) the municipality adopts a resolution describing the conditions that exist to make satisfying the requirements of Subsection (2)(a) impracticable.

(c) To the extent that previous actions by a municipality do not satisfy the requirements of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to satisfy those requirements.

(3) (a) A municipality that has a new ~~fixed guideway~~ public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the new ~~fixed guideway~~ public transit station before the new ~~fixed guideway~~ public transit station begins transit services.

(b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing ~~fixed guideway~~ public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the existing ~~fixed guideway~~ public transit station on or before December 31, 2025.

(c) If a municipality has more than four existing ~~fixed guideway~~ public transit stations located within the municipality's boundaries, the municipality shall:

(i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for ~~two~~ ~~four~~ or more station areas located within the municipality; and

(ii) on or before December 31 of each year thereafter, satisfy the requirements of Subsection (2)(a) for no less than two station areas located within the municipality until the municipality has satisfied the requirements of Subsection (2)(a) for each station area located

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within the municipality.

(d) (i) Subject to Subsection (3)(d)(ii):

(A) if a municipality receives a complete qualifying land use application on or before July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed on or before July 1, 2023; and

(B) if a municipality receives a complete qualifying land use application after July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed within a 12-month period beginning on the first day of the month immediately following the month in which the qualifying land use application is submitted to the municipality.

(ii) (A) A municipality is not required to satisfy the requirements of Subsection (2)(a) for more than two station areas under Subsection (3)(d)(i) within any ~~12-month~~ 12-month period.

(B) If a municipality receives more than two complete qualifying land use applications on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection (3)(d)(i)(A).

(iii) ~~if a~~ A municipality ~~receives~~ shall process on a first priority basis a land use application, including an application for a building permit, if:

(A) the land use application is for a residential use within a station area for which the municipality has not satisfied the requirements of Subsection (2)(a) ~~, including an application for a building permit.~~; and

(B) the municipality ~~shall process~~ would be required to change a zoning designation for the land use application ~~on a first priority basis~~ to be approved.

(e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the requirements of Subsection (2)(a) for a station area may be extended once for a period of 12 months if:

(i) the municipality demonstrates to the applicable metropolitan planning organization that conditions exist that make satisfying the requirements of Subsection (2)(a) within the required time period ~~impracticable~~ infeasible, despite the municipality's good faith efforts; and

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(ii) the applicable metropolitan planning organization certifies to the municipality in writing that the municipality satisfied **the demonstration in** Subsection (3)(e)(i).

(4) (a) Except as provided in Subsection (4)(b), if a station area is included within the boundaries of more than one municipality, each municipality with jurisdiction over the station area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over which the municipality has jurisdiction.

(b) Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area.

(5) A municipality that has more than one fixed guideway public transit station located within the municipality may, through an integrated process, develop station area plans for multiple station areas if the station areas are within close proximity of each other.

(6) (a) A municipality that is required to develop and adopt a station area plan under this section may request technical assistance from the applicable metropolitan planning organization.

(b) An applicable metropolitan planning organization that receives funds from the Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the funds, give priority consideration to requests for technical assistance for station area plans required under Subsection (3)(d).

(7) (a) A station area plan shall promote the following objectives within the station area:

(i) increasing the availability and affordability of housing, including moderate income housing;

(ii) promoting sustainable environmental conditions;

(iii) enhancing access to opportunities; and

(iv) increasing transportation choices and connections.

(b) (i) To promote the objective described in Subsection (7)(a)(i), a municipality may consider implementing the following actions:

(A) aligning the station area plan with the moderate income housing element of the municipality's general plan;

(B) providing for densities necessary to facilitate the development of moderate income housing;

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(C) providing for affordable costs of living in connection with housing, transportation, and parking; or

(D) any other similar action that promotes the objective described in Subsection (7)(a)(i).

(ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may consider implementing the following actions:

(A) conserving water resources through efficient land use;

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

(C) establishing parks, open spaces, and recreational opportunities; or

(D) any other similar action that promotes the objective described in Subsection (7)(a)(ii).

(iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may consider the following actions:

(A) maintaining and improving the connections between housing, transit, employment, education, recreation, and commerce;

(B) encouraging mixed-use development;

(C) enabling employment and educational opportunities within the station area;

(D) encouraging and promoting enhanced broadband connectivity; or

(E) any other similar action that promotes the objective described in Subsection (7)(a)(iii).

(iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may consider the following:

(A) supporting investment in infrastructure for all modes of transportation;

(B) increasing utilization of public transit;

(C) encouraging safe streets through the designation of pedestrian walkways and bicycle lanes;

(D) encouraging manageable and reliable traffic conditions;

(E) aligning the station area plan with the regional transportation plan of the applicable metropolitan planning organization; or

(F) any other similar action that promotes the objective described in Subsection (7)(a)(iv).

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(8) A station area plan shall include the following components:

(a) a station area vision that:

(i) is consistent with Subsection (7); and

(ii) describes the following:

(A) opportunities for the development of land within the station area under existing conditions;

(B) constraints on the development of land within the station area under existing conditions;

(C) the municipality's objectives for the transportation system within the station area and the future transportation system that meets those objectives;

(D) the municipality's objectives for land uses within the station area and the future land uses that meet those objectives;

(E) the municipality's objectives for public and open spaces within the station area and the future public and open spaces that meet those objectives; and

(F) the municipality's objectives for the development of land within the station area and the future development standards that meet those objectives;

(b) a map that depicts:

(i) the area within the municipality that is subject to the station area plan, provided that the station area plan may apply to areas outside of the station area; and

(ii) the area where each action is needed to implement the station area plan;

(c) an implementation plan that identifies and describes each action needed within the next five years to implement the station area plan, and the party responsible for taking each action, including any actions to:

(i) modify land use regulations;

(ii) make infrastructure improvements;

(iii) modify deeds or other relevant legal documents;

(iv) secure funding or develop funding strategies;

(v) establish design standards for development within the station area; or

(vi) provide environmental remediation;

(d) a statement that explains how the station area plan promotes the objectives described in Subsection (7)(a); and

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(e) as an alternative or supplement to the requirements of Subsection (7) or (8), and for purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make the following impracticable:

(i) promoting the objectives described in Subsection (7)(a); or

(ii) satisfying the requirements of Subsection (8).

(9) A municipality shall develop a station area plan with the involvement of all relevant stakeholders that have an interest in the station area through public outreach and community engagement, including:

(a) other impacted communities;

(b) the applicable public transit district;

(c) the applicable metropolitan planning organization;

(d) the Department of Transportation;

(e) owners of property within the station area; and

(f) the municipality's residents and business owners.

(10) (a) A municipality that is required to develop and adopt a station area plan for a station area under this section shall submit to the applicable metropolitan planning organization and the applicable public transit district documentation evidencing that the municipality has satisfied the ~~requirements~~ requirement of Subsection (2)(a)(i) for the station area, including:

(i) a station area plan; or

(ii) a resolution adopted under Subsection (2)(b)(i) or (ii).

(b) The applicable metropolitan planning organization, in consultation with the applicable public transit district, shall:

(i) review the documentation submitted under Subsection (10)(a) to determine the municipality's compliance with this section; and

(ii) provide written certification to the municipality if the applicable metropolitan planning organization determines that the municipality has satisfied the ~~requirements~~ requirement of Subsection (2)(a)(i) for the station area.

(c) The municipality shall include the certification described in Subsection (10)(b)(ii) in the municipality's report to the Department of Workforce Services under Section 10-9a-408.

Section 5. Section 10-9a-404 is amended to read:

10-9a-404. Public hearing by planning commission on proposed general plan or

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amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

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

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

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

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

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

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

(4) The legislative body shall adopt:

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

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

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

(c) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element as provided in Subsection 10-9a-403(2)(a)(iii).

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

10-9a-408. Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

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

~~[(a) review the moderate income housing plan element of the municipality's general~~

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~~plan and implementation of that element of the general plan;]~~

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

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

~~[(2) The report described in Subsection (1) shall include:]~~

~~[(a) a revised estimate of the need for moderate income housing in the municipality for the next five years;]~~

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

~~[(i) 80% of the adjusted median family income;]~~

~~[(ii) 50% of the adjusted median family income; and]~~

~~[(iii) 30% of the adjusted median family income;]~~

~~[(c) a description of any efforts made by the municipality to utilize a moderate income housing set-aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and]~~

~~[(d) a description of how the municipality has implemented any of the recommendations related to moderate income housing described in Subsection 10-9a-403(2)(b)(iii).]~~

~~[(3) The legislative body of each municipality described in Subsection (1) shall send a copy of the report under Subsection (1) to the Department of Workforce Services, the association of governments in which the municipality is located, and, if located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization.]~~

(1) As used in this section:

(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.

(b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c).

(c) "Moderate income housing report" or "report" means the report described in Subsection (2)(a).

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(d) "Moderate income housing strategy" means a strategy described in Subsection 10-9a-403(2)(b)(iii).

(e) "Specified municipality" means:

(i) a city of the first, second, third, or fourth class;

(ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; or

(iii) a metro township with a population of 5,000 or more.

(2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified municipality shall annually submit a written moderate income housing report to the division.

(b) The moderate income housing report submitted in 2022 shall include:

(i) a description of each moderate income housing strategy selected by the specified municipality for implementation; and

(ii) an implementation plan.

(c) The moderate income housing report submitted in each calendar year after 2022 shall include:

(i) the information required under Subsection (2)(b);

(ii) a description of each action, whether one-time or ongoing, taken by the specified municipality during the previous fiscal year to implement the moderate income housing strategies selected by the specified municipality for implementation;

(iii) a description of each land use regulation or land use decision made by the specified municipality during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified municipality's efforts to implement the moderate income housing strategies;

(iv) a description of any barriers encountered by the specified municipality in the previous fiscal year in implementing the moderate income housing strategies;

(v) information regarding the number of internal and external or detached accessory dwelling units located within the specified municipality for which the specified municipality:

(A) issued a building permit to construct; or

(B) issued a business license to rent;

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(vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and

(vii) any recommendations on how the state can support the specified municipality in implementing the moderate income housing strategies.

(d) The moderate income housing report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before July 1 of the year in which the report is required.

(3) Within 90 days after the day on which the division receives a specified municipality's moderate income housing report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified municipality is located, and, if the specified municipality is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection (4), review the report to determine compliance with Subsection (2).

(4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(b);

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station; and

(iii) is in a form approved by the division.

(b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(c);

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(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) four or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station;

(iii) is in a form approved by the division; and

(iv) provides sufficient information for the division to:

(A) assess the specified municipality's progress in implementing the moderate income housing strategies;

(B) monitor compliance with the specified municipality's implementation plan;

(C) identify a clear correlation between the specified municipality's land use regulations and land use decisions and the specified municipality's efforts to implement the moderate income housing strategies; and

(D) identify how the market has responded to the specified municipality's selected moderate income housing strategies.

(5) (a) A specified municipality qualifies for priority consideration under this Subsection (5) if the specified municipality's moderate income housing report:

(i) complies with Subsection (2); and

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) five or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) six or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station.

(b) The following apply to a specified municipality described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the Transportation Commission may give priority consideration to transportation projects located within the boundaries of the specified municipality in accordance with Subsection 72-1-304(3)(c); and

(ii) the Governor's Office of Planning and Budget may give priority consideration for

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awarding financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).

(c) Upon determining that a specified municipality qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (5)(c) shall:

(i) name the specified municipality that qualifies for priority consideration;

(ii) describe the funds or projects for which the specified municipality qualifies to receive priority consideration;

(iii) specify the fiscal year during which the specified municipality qualifies for priority consideration; and

(iv) state the basis for the division's determination that the specified municipality qualifies for priority consideration.

(6) (a) If the division, after reviewing a specified municipality's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified municipality.

(b) The notice described in Subsection (6)(a) shall:

(i) describe each deficiency in the report and the actions needed to cure each deficiency;

(ii) state that the specified municipality has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and

(iii) state that failure to cure the deficiencies within ~~45~~90 days after the day on which the notice is sent will result in ineligibility for funds under Subsection (7).

(7) (a) A specified municipality is ineligible for funds under this Subsection (7) if the specified municipality:

(i) fails to submit a moderate income housing report to the division; or

(ii) fails to cure the deficiencies in the specified municipality's moderate income housing report within 90 days after the day on which the division sent to the specified municipality a notice of noncompliance under Subsection (6).

(b) The following apply to a specified municipality described in Subsection (7)(a)

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during the fiscal year immediately following the fiscal year in which the report is required:

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5); and

(ii) the Governor's Office of Planning and Budget may not award financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).

(c) Upon determining that a specified municipality is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:

(i) name the specified municipality that is ineligible for funds;

(ii) describe the funds for which the specified municipality is ineligible to receive;

(iii) specify the fiscal year during which the specified municipality is ineligible for funds; and

(iv) state the basis for the division's determination that the specified municipality is ineligible for funds.

~~[(4)]~~ (8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Section 7. Section **10-9a-509** is amended to read:

10-9a-509. Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1) (a) (i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the application.

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(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the municipality initiated the proceedings; and

(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.

(e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(f) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a municipal ordinance; or

(iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(g) A municipality may not impose on a holder of an issued land use permit or a final,

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unexpired subdivision plat a requirement that is not expressed:

- (i) in a land use permit;
- (ii) on the subdivision plat;
- (iii) in a document on which the land use permit or subdivision plat is based;
- (iv) in the written record evidencing approval of the land use permit or subdivision

plat;

- (v) in this chapter; or
- (vi) in a municipal ordinance.

(h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or

- (ii) in this chapter or the municipality's ordinances.

(i) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on which a subdivision plat is recorded, a municipality may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation

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that is enacted within 10 years after the day on which the subdivision plat is recorded.

(b) Subsection (4)(a) does not apply to any changes in the requirements of the applicable building code, health code, or fire code, or other similar regulations.

(5) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(6) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601[(5)](6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

(b) Upon delivery of a written notice described in Subsection (6)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

Section 8. Section ~~{10-9a-511.5}~~ 11-36a-202 is amended to read:

~~{~~ ~~10-9a-511.5. Changes to dwellings -- Egress windows.~~

~~—— (1) As used in this section:~~

~~—— (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:~~

~~—— (i) within a primary dwelling;~~

~~—— (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and~~

~~—— (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.~~

~~—— (b) "Primary dwelling" means a single-family dwelling that:~~

~~—— (i) is detached; and~~

~~—— (ii) is occupied as the primary residence of the owner of record.~~

~~—— (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.~~

~~—— (2) A municipal ordinance adopted under Section 10-1-203.5 may not:~~

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~~_____ (a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:~~

~~_____ (i) the reasonable installation of:~~

~~_____ (A) a smoke detector that is plugged in or battery operated;~~

~~_____ (B) a ground fault circuit interrupter protected outlet on existing wiring;~~

~~_____ (C) street addressing;~~

~~_____ (D) except as provided in Subsection (3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;~~

~~_____ (E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;~~

~~_____ (F) hand or guard rails; or~~

~~_____ (G) occupancy separation doors as required by the International Residential Code; or~~

~~_____ (ii) the abatement of a structure; or~~

~~_____ (b) be enforced to terminate a legal nonconforming rental dwelling use.~~

~~_____ (3) (a) A municipality may not require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:~~

~~_____ (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:~~

~~_____ (A) a detached one-, two-, three-, or four-family dwelling; or~~

~~_____ (B) a town home that is not more than three stories above grade with a separate means of egress; and~~

~~_____ (ii) (A) the window in the existing bedroom is smaller than that required by current State Construction Code; and~~

~~_____ (B) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.~~

~~_____ (b) Subject to Section 10-9a-530, Subsection (3)(a) [does not apply] applies only to an internal accessory dwelling unit constructed before October 1, 2021.~~

~~_____ (4) Nothing in this section prohibits a municipality from:~~

~~_____ (a) regulating the style of window that is required or allowed in a bedroom;~~

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~~— (b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or~~

~~— (c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.~~

~~— Section 9. Section **10-9a-530** is amended to read:~~

~~— **10-9a-530. Internal accessory dwelling units:**~~

~~— (1) As used in this section:~~

~~— (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:~~

~~— (i) within a primary dwelling;~~

~~— (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and~~

~~— (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.~~

~~— (b) "Primary dwelling" means a single-family dwelling that:~~

~~— (i) is detached; and~~

~~— (ii) is occupied as the primary residence of the owner of record.~~

~~— (2) In any area zoned primarily for residential use:~~

~~— (a) the use of an internal accessory dwelling unit is a permitted use; and~~

~~— (b) except as provided in [Subsections (3) and (4)] this section, a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:~~

~~— (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;~~

~~— (ii) total lot size; or~~

~~— (iii) street frontage.~~

~~— (3) (a) This Subsection (3) applies only to an internal accessory dwelling unit constructed on or after October 1, 2021.~~

~~— [(3)] (b) An internal accessory dwelling unit described in Subsection (3)(a) shall comply with all applicable building, health, and fire codes.~~

~~— (c) A municipality shall require the owner of a primary dwelling to:~~

~~— (i) obtain a permit or license for renting an internal accessory dwelling unit; or~~

~~— (ii) obtain a building permit for constructing an internal accessory dwelling unit.~~

~~— [(4)] (d) A municipality may:~~

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- ~~—— [(a)] (i) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;~~
- ~~—— [(b)] (ii) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;~~
- ~~—— [(c)] (iii) require a primary dwelling:~~
- ~~—— [(i)] (A) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; and~~
- ~~—— [(ii)] (B) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport;~~
- ~~—— [(d)] (iv) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;~~
- ~~—— [(e)] require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;]~~
- ~~—— [(f)] (v) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:~~
- ~~—— [(i)] (A) 25% or less of the total area in the municipality that is zoned primarily for residential use; or~~
- ~~—— [(ii)] (B) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;~~
- ~~—— [(g)] (vi) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;~~
- ~~—— [(h)] (vii) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;~~
- ~~—— [(i)] (viii) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;~~
- ~~—— [(j)] (ix) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;~~
- ~~—— [(k)] (x) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and~~

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~~—— [(1)] (xi) record a notice for an internal accessory dwelling unit in accordance with Subsection (6):~~

~~—— (4) (a) This Subsection (4) applies only to an internal accessory dwelling unit constructed before October 1, 2021.~~

~~—— (b) A municipality shall require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit.~~

~~—— (c) In accordance with Section 10-9a-511.5, a municipality may require the owner of a primary dwelling to:~~

~~—— (i) install a smoke detector within an internal accessory dwelling unit that is plugged in or battery operated; and~~

~~—— (ii) by no later than May 4, 2025, install an egress bedroom window within an internal accessory dwelling unit if the existing bedroom window is smaller than that required by current State Construction Code.~~

~~—— (5) (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:~~

~~—— (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (3) or (4);~~

~~—— (ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);~~

~~—— (iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);~~

~~—— (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);~~

~~—— (v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and~~

~~—— (vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.~~

~~—— (b) The written notice of violation shall:~~

~~—— (i) describe the specific violation;~~

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~~—— (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:~~

~~—— (A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or~~

~~—— (B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;~~

~~—— (iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;~~

~~—— (iv) notify the owner of the property:~~

~~—— (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and~~

~~—— (B) of the name and address of the municipal office where the owner may file the written objection;~~

~~—— (v) be mailed to:~~

~~—— (A) the property's owner of record; and~~

~~—— (B) any other individual designated to receive notice in the owner's license or permit records; and~~

~~—— (vi) be posted on the property.~~

~~—— (c) The written notice of lien shall:~~

~~—— (i) comply with the requirements of Section 38-12-102;~~

~~—— (ii) state that the property is subject to a lien;~~

~~—— (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;~~

~~—— (iv) be mailed to:~~

~~—— (A) the property's owner of record; and~~

~~—— (B) any other individual designated to receive notice in the owner's license or permit records; and~~

~~—— (v) be posted on the property.~~

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~~—— (d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:~~

~~—— (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and~~

~~—— (B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.~~

~~—— (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.~~

~~—— (iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.~~

~~—— (c) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).~~

~~—— (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.~~

~~—— (b) The notice described in Subsection (6)(a) shall include:~~

~~—— (i) a description of the primary dwelling;~~

~~—— (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and~~

~~—— (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.~~

~~—— (c) The municipality shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.~~

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~~Section 10. Section 11-36a-202 is amended to read:~~

‡ **11-36a-202. Prohibitions on impact fees.**

(1) A local political subdivision or private entity may not:

(a) impose an impact fee to:

(i) cure deficiencies in a public facility serving existing development;

(ii) raise the established level of service of a public facility serving existing development; or

(iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement;

(b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or

(c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.

(2) (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:

(i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;

(ii) on a school district or charter school for a park, recreation facility, open space, or trail;

(iii) on a school district or charter school unless:

(A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and

(B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;

(iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:

(A) the Utah National Guard;

(B) the Utah Highway Patrol; or

(C) a state institution of higher education that has its own police force; [or]

(v) on development activity on the state fair park, as defined in Section 63H-6-102[-];

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or

(vi) on development activity that consists of the construction of an internal accessory dwelling unit, as defined in Section 10-9a-530, within an existing ~~structure~~ primary dwelling.

(b) (i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:

(A) the school is intended to replace another school, whether on the same or a different parcel;

(B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and

(C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.

(ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)(i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.

(c) Notwithstanding any other provision of this chapter, a political subdivision or private entity may impose an impact fee for a road facility on the state only if and to the extent that:

(i) the state's development causes an impact on the road facility; and

(ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.

(3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 11-36a-206.

Section ~~11-59-203~~9. Section **11-59-203** is amended to read:

11-59-203. Authority duties and responsibilities.

(1) As the authority plans, manages, and implements the development of the point of the mountain state land, the authority shall pursue development strategies and objectives

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designed to:

(a) maximize the creation of high-quality jobs and encourage and facilitate a highly trained workforce;

(b) ensure strategic residential and commercial growth;

(c) promote a high quality of life for residents on and surrounding the point of the mountain state land, including strategic planning to facilitate:

(i) jobs close to where people live;

(ii) vibrant urban centers;

(iii) housing types that incorporate affordability factors and match workforce needs;

(iv) parks, connected trails, and open space, including the preservation of natural lands to the extent practicable and consistent with the overall development plan; and

(v) preserving and enhancing recreational opportunities;

(d) complement the development on land in the vicinity of the point of the mountain state land;

(e) improve air quality and minimize resource use; and

(f) accommodate and incorporate the planning, funding, and development of an enhanced and expanded future transit and transportation infrastructure and other investments, including:

(i) the acquisition of rights-of-way and property necessary to ensure transit access to the point of the mountain state land; and

(ii) a world class mass transit infrastructure, to service the point of the mountain state land and to enhance mobility and protect the environment.

(2) In planning the development of the point of the mountain state land, the authority shall:

(a) consult with applicable governmental planning agencies, including:

(i) relevant metropolitan planning organizations; ~~and~~

(ii) Draper City and Salt Lake County planning and governing bodies; and

(iii) in regards to the factors described in Subsections (1)(c)(i) and (iii), the Unified Economic Opportunity Commission created in Section 63N-1a-201;

(b) research and explore the feasibility of attracting a nationally recognized research center; ~~ff~~ and ~~ff~~

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(c) research and explore the appropriateness of including labor training centers and a higher education presence on the point of the mountain state land~~{[.].~~;

~~—— (d) ensure that at least 20% of the proposed housing units within the development of the point of the mountain state land are dedicated to affordable housing, of which:~~

~~—— (i) at least 10% of the proposed housing units are dedicated to housing for households whose income is no more than 50% of the area median income for households of the same size in the county or municipality where the development is located; and~~

~~—— (ii) at least 10% of the proposed housing units are dedicated to housing for households whose income is no more than 80% of the area median income for households of the same size in the county or municipality where the development is located; and~~

~~—— (e) on or before October 1 of each year, submit an annual written report to the Unified Economic Opportunity Commission created in Section 63N-1a-201 describing how the development of the point of the mountain state land meets the requirements of Subsection (2)(d).~~

~~—— Section 12}.~~

Section 10. Section 17-27a-103 is amended to read:

17-27a-103. Definitions.

As used in this chapter:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

(2) "Adversely affected party" means a person other than a land use applicant who:

(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or

(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

(3) "Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owner's association, public utility, or the Utah Department of Transportation, if:

(a) the entity's services or facilities are likely to require expansion or significant

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modification because of an intended use of land;

(b) the entity has filed with the county a copy of the entity's general or long-range plan;

or

(c) the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(4) "Affected owner" means the owner of real property that is:

(a) a single project;

(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601~~[(5)]~~(6); and

(c) determined to be legally referable under Section 20A-7-602.8.

(5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(7) (a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

(8) "Chief executive officer" means the person or body that exercises the executive powers of the county.

(9) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(10) "Constitutional taking" means a governmental action that results in a taking of

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private property so that compensation to the owner of the property is required by the:

- (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- (b) Utah Constitution, Article I, Section 22.

(11) "County utility easement" means an easement that:

(a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;

(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

(c) the county or the county's affiliated governmental entity owns or creates; and

(d) (i) either:

(A) no person uses or occupies; or

(B) the county or the county's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines; or

(ii) a person uses or occupies with or without an authorized franchise or other agreement with the county.

(12) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

(13) "Development activity" means:

(a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;

(b) any change in use of a building or structure that creates additional demand and need for public facilities; or

(c) any change in the use of land that creates additional demand and need for public facilities.

(14) (a) "Development agreement" means a written agreement or amendment to a written agreement between a county and one or more parties that regulates or controls the use or development of a specific area of land.

(b) "Development agreement" does not include an improvement completion assurance.

(15) (a) "Disability" means a physical or mental impairment that substantially limits

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one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. Sec. 802.

(16) "Educational facility":

(a) means:

(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection (16)(a)(i); and

(B) used in support of the use of that building; and

(iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection (16)(a)(i); and

(B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

(ii) a therapeutic school.

(17) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

(18) "Flood plain" means land that:

(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the

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Federal Emergency Management Agency.

(19) "Gas corporation" has the same meaning as defined in Section 54-2-1.

(20) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of:

(a) the unincorporated land within the county; or

(b) for a mountainous planning district, the land within the mountainous planning district.

(21) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

(h) any other geologic condition that presents a risk:

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

(22) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility system.

(23) "Identical plans" means building plans submitted to a county that:

(a) are clearly marked as "identical plans";

(b) are substantially identical building plans that were previously submitted to and reviewed and approved by the county; and

(c) describe a building that:

(i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

(ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;

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(iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the county; and

(iv) does not require any additional engineering or analysis.

(24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

(25) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a county to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

(26) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

(a) complies with the county's written standards for design, materials, and workmanship; and

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

(27) "Improvement warranty period" means a period:

(a) no later than one year after a county's acceptance of required landscaping; or

(b) no later than one year after a county's acceptance of required infrastructure, unless the county:

(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.

(28) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human consumption; and

(b) an applicant must install:

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(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) developing a commercial, industrial, mixed use, condominium, or multifamily project.

(29) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b) (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

(30) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

(31) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

(32) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(33) "Land use application":

(a) means an application that is:

(i) required by a county; and

(ii) submitted by a land use applicant to obtain a land use decision; and

(b) does not mean an application to enact, amend, or repeal a land use regulation.

(34) "Land use authority" means:

(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or

(b) if the local legislative body has not designated a person, board, commission,

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agency, or body, the local legislative body.

(35) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

- (a) a land use permit;
- (b) a land use application; or
- (c) the enforcement of a land use regulation, land use permit, or development

agreement.

(36) "Land use permit" means a permit issued by a land use authority.

(37) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;

(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

(38) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.

(39) "Local district" means any entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

(40) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

(41) (a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:

- (i) whether or not the lots are located in the same subdivision; and
- (ii) with the consent of the owners of record.

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(b) "Lot line adjustment" does not mean a new boundary line that:

- (i) creates an additional lot; or
- (ii) constitutes a subdivision.

(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of Transportation.

(42) "Major transit investment corridor" means public transit service that uses or occupies:

- (a) public transit rail right-of-way;
- (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

or

(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

- (i) a public transit district as defined in Section 17B-2a-802; or
- (ii) an eligible political subdivision as defined in Section 59-12-2219.

(43) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(44) "Mountainous planning district" means an area designated by a county legislative body in accordance with Section 17-27a-901.

(45) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:

- (a) verifying that building plans are identical plans; and
- (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

(46) "Noncomplying structure" means a structure that:

- (a) legally existed before the structure's current land use designation; and
- (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

(47) "Nonconforming use" means a use of land that:

- (a) legally existed before the current land use designation;

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(b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(48) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the county's general plan.

(49) "Parcel" means any real property that is not a lot.

(50) (a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

(i) none of the property identified in the agreement is a lot; or

(ii) the adjustment is to the boundaries of a single person's parcels.

(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.

(51) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(52) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the county;

(b) an estimate of the need for moderate income housing in the county for the next five

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years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the county's program to encourage an adequate supply of moderate income housing.

(53) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated area of a county established under this part with planning and zoning functions as exercised through the planning advisory area planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority.

(54) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 17-27a-603 or 57-8-13.

(55) "Potential geologic hazard area" means an area that:

(a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

(56) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, local district, special service district, or other political subdivision of the state; or

(d) a charter school.

(57) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

(58) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

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(59) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

(60) "Receiving zone" means an unincorporated area of a county that the county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

(61) "Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

(62) "Residential facility for persons with a disability" means a residence:

(a) in which more than one person with a disability resides; and

(b) (i) which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(ii) which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(63) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

(64) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

(65) "Sending zone" means an unincorporated area of a county that the county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

(66) "Site plan" means a document or map that may be required by a county during a preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

(67) "Specified public agency" means:

(a) the state;

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(b) a school district; or

(c) a charter school.

(68) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

(69) "State" includes any department, division, or agency of the state.

(70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection (70)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for agricultural purposes;

(ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 17-27a-523 if no new lot is created;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or

(B) joining a lot to a parcel;

(iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:

(A) an electrical transmission line or a substation;

(B) a natural gas pipeline or a regulation station; or

(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;

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(v) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608 if:

(A) no new dwelling lot or housing unit will result from the adjustment; and

(B) the adjustment will not violate any applicable land use ordinance;

(vi) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

(A) is in anticipation of future land use approvals on the parcel or parcels;

(B) does not confer any land use approvals; and

(C) has not been approved by the land use authority;

(vii) a parcel boundary adjustment;

(viii) a lot line adjustment;

(ix) a road, street, or highway dedication plat;

(x) a deed or easement for a road, street, or highway purpose; or

(xi) any other division of land authorized by law.

(71) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-27a-608 that:

(a) vacates all or a portion of the subdivision;

(b) alters the outside boundary of the subdivision;

(c) changes the number of lots within the subdivision;

(d) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

(e) alters a common area or other common amenity within the subdivision.

(72) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

(b) a reasonable mind would accept as adequate to support a conclusion.

(73) "Suspect soil" means soil that has:

(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

(b) bedrock units with high shrink or swell susceptibility; or

(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

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commonly associated with dissolution and collapse features.

(74) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals who are not related to:

- (i) the owner of the facility; or
- (ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

- (i) at home;
- (ii) in a public school; or
- (iii) in a nonresidential private school; and

(c) that offers:

- (i) room and board; and
- (ii) an academic education integrated with:
 - (A) specialized structure and supervision; or
 - (B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

(75) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

(76) "Unincorporated" means the area outside of the incorporated area of a municipality.

(77) "Water interest" means any right to the beneficial use of water, including:

- (a) each of the rights listed in Section 73-1-11; and
- (b) an ownership interest in the right to the beneficial use of water represented by:
 - (i) a contract; or
 - (ii) a share in a water company, as defined in Section 73-3-3.5.

(78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section ~~{13}~~11. Section 17-27a-401 is amended to read:

17-27a-401. General plan required -- Content -- Resource management plan -- Provisions related to radioactive waste facility.

(1) To accomplish the purposes of this chapter, each county shall prepare and adopt a

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comprehensive, long-range general plan:

(a) for present and future needs of the county;

(b) (i) for growth and development of all or any part of the land within the unincorporated portions of the county; or

(ii) if a county has designated a mountainous planning district, for growth and development of all or any part of the land within the mountainous planning district; and

(c) as a basis for communicating and coordinating with the federal government on land and resource management issues.

(2) To promote health, safety, and welfare, the general plan may provide for:

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

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

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

(i) food and water; and

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

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

(e) the protection of urban development;

(f) the protection and promotion of air quality;

(g) historic preservation;

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

(i) an official map.

~~[(3)(a) The general plan shall:]~~

~~[(i) allow and plan for moderate income housing growth; and]~~

(3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408, shall include a moderate income housing element that meets the requirements of Subsection 17-27a-403(2)(a)(iii).

~~[(ii) contain a resource management plan for the public lands, as defined in Section 63L-6-102, within the county.]~~

~~[(b) (ii) On or before [December 1, 2019, a] October 1, 2022, a specified county, as~~

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defined in Section 17-27a-408, with a general plan that does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

(b) The general plan shall contain a resource management plan for the public lands, as defined in Section 63L-6-102, within the county.

(c) The resource management plan described in Subsection [~~(3)(a)(ii)~~] (3)(b) shall address:

- (i) mining;
- (ii) land use;
- (iii) livestock and grazing;
- (iv) irrigation;
- (v) agriculture;
- (vi) fire management;
- (vii) noxious weeds;
- (viii) forest management;
- (ix) water rights;
- (x) ditches and canals;
- (xi) water quality and hydrology;
- (xii) flood plains and river terraces;
- (xiii) wetlands;
- (xiv) riparian areas;
- (xv) predator control;
- (xvi) wildlife;
- (xvii) fisheries;
- (xviii) recreation and tourism;
- (xix) energy resources;
- (xx) mineral resources;
- (xxi) cultural, historical, geological, and paleontological resources;
- (xxii) wilderness;
- (xxiii) wild and scenic rivers;
- (xxiv) threatened, endangered, and sensitive species;
- (xxv) land access;

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- (xxvi) law enforcement;
- (xxvii) economic considerations; and
- (xxviii) air.

(d) For each item listed under Subsection (3)(c), a county's resource management plan shall:

- (i) establish findings pertaining to the item;
- (ii) establish defined objectives; and
- (iii) outline general policies and guidelines on how the objectives described in Subsection (3)(d)(ii) are to be accomplished.

(4) (a) (i) The general plan shall include specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303.

(ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:

- ~~[(i)]~~ (A) the information identified in Section 19-3-305;
- ~~[(ii)]~~ (B) information supported by credible studies that demonstrates that the provisions of Subsection 19-3-307(2) have been satisfied; and
- ~~[(iii)]~~ (C) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

(d) The county shall send a certified copy of the ordinance described in Subsection (4)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

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(i) comply with Subsection (4)(a) as soon as reasonably possible; and
(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(5) The general plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

(6) Subject to Subsection 17-27a-403(2), the county may determine the comprehensiveness, extent, and format of the general plan.

(7) If a county has designated a mountainous planning district, the general plan for the mountainous planning district is the controlling plan.

(8) Nothing in this part may be construed to limit the authority of the state to manage and protect wildlife under Title 23, Wildlife Resources Code of Utah.

Section ~~{14}~~12. Section **17-27a-403** is amended to read:

17-27a-403. Plan preparation.

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

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

(i) the unincorporated area within the county; or
(ii) if the planning commission is a planning commission for a mountainous planning district, the mountainous planning district.

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

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

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's

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recommendations for the following plan elements:

(i) a land use element that:

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

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

(ii) a transportation and traffic circulation element that:

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

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

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

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

(iii) for a specified county as defined in Section 17-27a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(ii) for implementation; and

(C) includes an implementation plan as provided in Subsection (2)(e); and

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

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

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

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

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

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

(A) rezone for densities necessary to [~~assure~~] facilitate the production of moderate income housing;

(B) [~~facilitate~~] demonstrate investment in the rehabilitation or expansion of infrastructure that [~~will encourage~~] facilitates the construction of moderate income housing;

(C) [~~facilitate~~] demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) [~~consider~~] identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county for the construction or rehabilitation of moderate income housing;

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

(F) [~~allow~~] zone or rezone for higher density or moderate income residential development in commercial [~~and~~] or mixed-use zones, commercial centers, or employment centers;

(G) [~~encourage~~] amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;

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

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(I) amend land use regulations to allow for single room occupancy developments;

(J) implement zoning incentives for ~~[low to]~~ moderate income units in new developments;

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

~~[(L)]~~ (K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;

~~[(M)]~~ (L) reduce, waive, or eliminate impact fees~~[, as defined in Section 11-36a-102;]~~ related to ~~[low and]~~ moderate income housing;

~~[(N) participate in]~~ (M) demonstrate creation of, or participation in, a community land trust program for ~~[low or]~~ moderate income housing;

~~[(O)]~~ (N) implement a mortgage assistance program for employees of the county ~~[or of]~~, an employer that provides contracted services for the county, or any other public employer that operates within the county;

~~[(P)]~~ (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

~~[(Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;]~~

~~[(R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;]~~

~~[(S) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;]~~

~~[(T) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;]~~

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~~[(U) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing; [and]

(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

(S) create a program to transfer development rights for moderate income housing;

(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;

(U) develop a moderate income housing project for residents who are disabled or 55 years ~~of age or older; and~~

~~— (V) [consider] } old or older;~~

(V) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and

~~[(V) consider]~~ (W) demonstrate implementation of any other program or strategy [implemented by the county] to address the housing needs of residents of the county who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

(iii) If a specified county, ~~as defined in Section 17-27a-408,~~ has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified county shall ~~};~~

~~— (A) } include {,} as part of the specified county's recommended strategies under Subsection (2)(b)(ii) {,} a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q) {,} and~~

~~— (B) in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, create the housing and transit reinvestment zone on or before December 31, 2022}.~~

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

(i) identify and consider each agriculture protection area within the unincorporated area

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of the county or mountainous planning district; ~~and~~

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture~~[-]; and~~

(iii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

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

(i) ~~(A)~~ consider and coordinate with the regional transportation plan developed by ~~its~~ the region's metropolitan planning organization, if the relevant areas of the county are within the boundaries of a metropolitan planning organization; or

~~(ii)~~ (B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the relevant areas of the county are not within the boundaries of a metropolitan planning organization~~[-]; and~~

(ii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

(e) (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the county for implementation.

(ii) The timeline described in Subsection (2)(e)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the county; and

(B) provide flexibility for the county to make adjustments as needed.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) to the extent not covered by the county's resource management plan, the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other

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environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

(i) historic preservation;

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

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

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

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

(f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or (3)(a)(i); and

(g) any other element the county considers appropriate.

Section ~~{15}~~13. Section **17-27a-404** is amended to read:

17-27a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

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

(b) The planning commission shall provide notice of the public hearing, as required by Section 17-27a-204.

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(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

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

(3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body shall provide notice of its intent to consider the general plan proposal.

(b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection (3)(b).

(ii) The hearing format shall allow adequate time for public comment at the actual public hearing, and shall also allow for public comment in writing to be submitted to the legislative body for not fewer than 90 days after the date of the public hearing.

(c) (i) The legislative body shall give notice of the hearing in accordance with this Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are complete.

(ii) Direct notice of the hearing shall be given, in writing, to the governor, members of the state Legislature, executive director of the Department of Environmental Quality, the state planning coordinator, the Resource Development Coordinating Committee, and any other citizens or entities who specifically request notice in writing.

(iii) Public notice shall be given by publication on the Utah Public Notice Website created in Section 63A-16-601.

(iv) The notice shall be published to allow reasonable time for interested parties and the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4), including publication described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under this Subsection (3).

(4) (a) After the public hearing required under this section, the legislative body may adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

(b) The legislative body shall respond in writing and in a substantive manner to all those providing comments as a result of the hearing required by Subsection (3).

(c) If the county legislative body rejects the proposed general plan or amendment, it

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may provide suggestions to the planning commission for the planning commission's review and recommendation.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 17-27a-403(2)(a)(ii);

~~[(c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to provide a realistic opportunity to meet the need for additional moderate income housing; and]~~

(c) for a specified county as defined in Section 17-27-408, a moderate income housing element as provided in Subsection 17-27a-403(2)(a)(iii); and

(d) ~~[before August 1, 2017;]~~ a resource management plan as provided by Subsection 17-27a-403(2)(a)(iv).

Section ~~16~~14. Section 17-27a-408 is amended to read:

17-27a-408. Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

~~[(1) The legislative body of each county of the first, second, or third class, which has a population in the county's unincorporated areas of more than 5,000 residents, shall annually:]~~

~~[(a) review the moderate income housing plan element of the county's general plan and implementation of that element of the general plan;]~~

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

~~[(c) post the report described in Subsection (1)(b) on the county's website:]~~

~~[(2) The report described in Subsection (1) shall include:]~~

~~[(a) a revised estimate of the need for moderate income housing in the unincorporated areas of the county for the next five years;]~~

~~[(b) a description of progress made within the unincorporated areas of the county to provide moderate income housing demonstrated by analyzing and publishing data on the number of housing units in the county that are at or below:]~~

~~[(i) 80% of the adjusted median family income;]~~

~~[(ii) 50% of the adjusted median family income; and]~~

~~[(iii) 30% of the adjusted median family income;]~~

~~[(c) a description of any efforts made by the county to utilize a moderate income~~

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~~housing set-aside from a community reinvestment agency, redevelopment agency, or a community development and renewal agency, and]~~

~~[(d) a description of how the county has implemented any of the recommendations related to moderate income housing described in Subsection 17-27a-403(2)(b)(ii).]~~

~~[(3) The legislative body of each county described in Subsection (1) shall send a copy of the report under Subsection (1) to the Department of Workforce Services, the association of governments in which the county is located, and, if the unincorporated area of the county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization.] (1) As used in this section:~~

~~(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.~~

~~(b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified county's general plan as provided in Subsection 10-9a-403(2)(c).~~

~~(c) "Moderate income housing report" or "report" means the report described in Subsection (2)(a).~~

~~(d) "Moderate income housing strategy" means a strategy described in Subsection 17-27a-403(2)(b)(ii).~~

~~(e) "Specified county" means a county of the first, second, or third class, which has a population of more than 5,000 in the county's unincorporated areas.~~

~~(2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified county shall annually submit a written moderate income housing report to the division.~~

~~(b) The moderate income housing report submitted in 2022 shall include:~~

~~(i) a description of each moderate income housing strategy selected by the specified county for implementation; and~~

~~(ii) an implementation plan.~~

~~(c) The moderate income housing report submitted in each calendar year after 2022 shall include:~~

~~(i) the information required under Subsection (2)(b);~~

~~(ii) a description of each action, whether one-time or ongoing, taken by the specified~~

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county during the previous fiscal year to implement the moderate income housing strategies selected by the specified county for implementation;

(iii) a description of each land use regulation or land use decision made by the specified county during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified county's efforts to implement the moderate income housing strategies;

(iv) a description of any barriers encountered by the specified county in the previous fiscal year in implementing the moderate income housing strategies; and

(v) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:

(A) issued a building permit to construct; or

(B) issued a business license to rent;

(vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and

(vii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.

(d) The moderate income housing report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before July 1 of the year in which the report is required.

(3) Within 90 days after the day on which the division receives a specified county's moderate income housing report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection (4), review the report to determine compliance with Subsection (2).

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(4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(b);

(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies; and

(iii) is in a form approved by the division.

(b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(c);

(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies;

(iii) is in a form approved by the division; and

(iv) provides sufficient information for the division to:

(A) assess the specified county's progress in implementing the moderate income housing strategies;

(B) monitor compliance with the specified county's implementation plan;

(C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies; and

(D) identify how the market has responded to the specified county's selected moderate income housing strategies.

(5) (a) A specified county qualifies for priority consideration under this Subsection (5) if the specified county's moderate income housing report:

(i) complies with Subsection (2); and

(ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.

(b) The following apply to a specified county described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the Transportation Commission may give priority consideration ~~to~~ to transportation projects located within the unincorporated areas of the specified county in accordance with Subsection ~~72-1-304(3)(c)~~ 72-1-304(3)(c); and

(ii) the Governor's Office of Planning and Budget may give priority consideration for

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awarding financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).

(c) Upon determining that a specified county qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (5)(c) shall:

(i) name the specified county that qualifies for priority consideration;

(ii) describe the funds or projects for which the specified county qualifies to receive priority consideration;

(iii) specify the fiscal year during which the specified county qualifies for priority consideration; and

(iv) state the basis for the division's determination that the specified county qualifies for priority consideration.

(6) (a) If the division, after reviewing a specified county's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified county.

(b) The notice described in Subsection (6)(a) shall:

(i) describe each deficiency in the report and the actions needed to cure each deficiency;

(ii) state that the specified county has an opportunity to cure the deficiencies within ~~45~~90 days after the day on which the notice is sent; and

(iii) state that failure to cure the deficiencies within 90 days after the day on which the notice is sent will result in ineligibility for funds under Subsection (7).

(7) (a) A specified county is ineligible for funds under this Subsection (7) if the specified county:

(i) fails to submit a moderate income housing report to the division; or

(ii) fails to cure the deficiencies in the specified county's moderate income housing report within 90 days after the day on which the division sent to the specified county a notice of noncompliance under Subsection (6).

(b) The following apply to a specified county described in Subsection (7)(a) during the

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fiscal year immediately following the fiscal year in which the report is required:

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the unincorporated areas of the specified county in accordance with Subsection 72-2-124(6); and

(ii) the Governor's Office of Planning and Budget may not award financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).

(c) Upon determining that a specified county is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:

(i) name the specified county that is ineligible for funds;

(ii) describe the funds for which the specified county is ineligible to receive;

(iii) specify the fiscal year during which the specified county is ineligible for funds;

and

(iv) state the basis for the division's determination that the specified county is ineligible for funds.

~~[(4)]~~ (8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Section ~~{17}~~ 15. Section **17-27a-508** is amended to read:

17-27a-508. Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1) (a) (i) An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

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(B) applicable to the application or to the information shown on the submitted application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the county initiated the proceedings; and

(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(e) A county may not impose on an applicant who has submitted a complete application a requirement that is not expressed:

(i) in this chapter;

(ii) in a county ordinance; or

(iii) in a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(f) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

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- (ii) on the subdivision plat;
- (iii) in a document on which the land use permit or subdivision plat is based;
- (iv) in the written record evidencing approval of the land use permit or subdivision plat;
- (v) in this chapter; or
- (vi) in a county ordinance.

(g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or

(ii) in this chapter or the county's ordinances.

(h) A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on which a subdivision plat is recorded, a county may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded.

(b) Subsection (4)(a) does not apply to any changes in the requirements of the

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applicable building code, health code, or fire code, or other similar regulations.

(5) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(6) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601~~[(5)]~~(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

(b) Upon delivery of a written notice described in Subsection (6)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

Section ~~{18}~~16. Section ~~{17-27a-510.5}~~17B-2a-802 is amended to read:

~~{~~17-27a-510.5. Changes to dwellings -- Egress windows.

~~_____~~(1) As used in this section:

~~_____~~(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

~~_____~~(i) within a primary dwelling;

~~_____~~(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

~~_____~~(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

~~_____~~(b) "Primary dwelling" means a single-family dwelling that:

~~_____~~(i) is detached; and

~~_____~~(ii) is occupied as the primary residence of the owner of record.

~~_____~~(c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

~~_____~~(2) A county ordinance adopted under Section 10-1-203.5 may not:

~~_____~~(a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:

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- ~~—— (i) the reasonable installation of:~~
- ~~—— (A) a smoke detector that is plugged in or battery operated;~~
- ~~—— (B) a ground fault circuit interrupter protected outlet on existing wiring;~~
- ~~—— (C) street addressing;~~
- ~~—— (D) except as provided in Subsection (3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;~~
- ~~—— (E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;~~
- ~~—— (F) hand or guard rails; or~~
- ~~—— (G) occupancy separation doors as required by the International Residential Code; or~~
- ~~—— (ii) the abatement of a structure; or~~
- ~~—— (b) be enforced to terminate a legal nonconforming rental dwelling use.~~
- ~~—— (3) (a) A county may not require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:~~
- ~~—— (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:~~
- ~~—— (A) a detached one-, two-, three-, or four-family dwelling; or~~
- ~~—— (B) a town home that is not more than three stories above grade with a separate means of egress; and~~
- ~~—— (ii) (A) the window in the existing bedroom is smaller than that required by current State Construction Code; and~~
- ~~—— (B) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.~~
- ~~—— (b) Subject to Section 17-27a-526, Subsection (3)(a) [does not apply] applies only to an internal accessory dwelling unit constructed before October 1, 2021.~~
- ~~—— (4) Nothing in this section prohibits a county from:~~
- ~~—— (a) regulating the style of window that is required or allowed in a bedroom;~~
- ~~—— (b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or~~

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~~_____ (c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.~~

~~_____ Section 19. Section 17-27a-526 is amended to read:~~

~~_____ **17-27a-526. Internal accessory dwelling units.**~~

~~_____ (1) As used in this section:~~

~~_____ (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:~~

~~_____ (i) within a primary dwelling;~~

~~_____ (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and~~

~~_____ (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.~~

~~_____ (b) "Primary dwelling" means a single-family dwelling that:~~

~~_____ (i) is detached; and~~

~~_____ (ii) is occupied as the primary residence of the owner of record.~~

~~_____ (2) In any area zoned primarily for residential use:~~

~~_____ (a) the use of an internal accessory dwelling unit is a permitted use; and~~

~~_____ (b) except as provided in Subsections (3) and (4), a county may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:~~

~~_____ (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;~~

~~_____ (ii) total lot size; or~~

~~_____ (iii) street frontage.~~

~~_____ (3) (a) This Subsection (3) applies only to an internal accessory dwelling unit created on or after October 1, 2021.~~

~~_____ [(3)] (b) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.~~

~~_____ (c) A county shall require the owner of a primary dwelling to:~~

~~_____ (i) obtain a permit or license for renting an internal accessory dwelling unit; or~~

~~_____ (ii) obtain a building permit for constructing an internal accessory dwelling unit.~~

~~_____ [(4)] (d) A county may:~~

~~_____ [(a)] (i) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;~~

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- ~~—— [(b)] (ii) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;~~
- ~~—— [(c)] (iii) require a primary dwelling:~~
- ~~—— [(i)] (A) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; and~~
- ~~—— [(ii)] (B) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport;~~
- ~~—— [(d)] (iv) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;~~
- ~~—— [(e)] require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;}~~
- ~~—— [(f)] (v) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to 25% or less of the total unincorporated area in the county that is zoned primarily for residential use;~~
- ~~—— [(g)] (vi) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;~~
- ~~—— [(h)] (vii) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;~~
- ~~—— [(i)] (viii) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;~~
- ~~—— [(j)] (ix) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;~~
- ~~—— [(k)] (x) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and~~
- ~~—— [(l)] (xi) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).~~
- ~~—— (4) (a) This Subsection (4) applies only to an internal accessory dwelling unit constructed before October 1, 2021.~~
- ~~—— (b) A county shall require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit.~~

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~~—— (c) In accordance with Section 17-27a-510.5, a county may require the owner of a primary dwelling to:~~

~~—— (i) install a smoke detector within an internal accessory dwelling unit that is plugged in or battery operated; and~~

~~—— (ii) by no later than May 4, 2025, install an egress bedroom window within an internal accessory dwelling unit if the existing bedroom window is smaller than that required by current State Construction Code.~~

~~—— (5) (a) In addition to any other legal or equitable remedies available to a county, a county may hold a lien against a property that contains an internal accessory dwelling unit if:~~

~~—— (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (3) or (4);~~

~~—— (ii) the county provides a written notice of violation in accordance with Subsection (5)(b);~~

~~—— (iii) the county holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);~~

~~—— (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);~~

~~—— (v) the county provides a written notice of lien in accordance with Subsection (5)(c); and~~

~~—— (vi) the county records a copy of the written notice of lien described in Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.~~

~~—— (b) The written notice of violation shall:~~

~~—— (i) describe the specific violation;~~

~~—— (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:~~

~~—— (A) no less than 14 days after the day on which the county sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or~~

~~—— (B) no less than 30 days after the day on which the county sends the written notice of violation, for any other violation; and~~

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~~—— (iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;~~

~~—— (iv) notify the owner of the property:~~

~~—— (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and~~

~~—— (B) of the name and address of the county office where the owner may file the written objection;~~

~~—— (v) be mailed to:~~

~~—— (A) the property's owner of record; and~~

~~—— (B) any other individual designated to receive notice in the owner's license or permit records; and~~

~~—— (vi) be posted on the property.~~

~~—— (c) The written notice of lien shall:~~

~~—— (i) comply with the requirements of Section 38-12-102;~~

~~—— (ii) describe the specific violation;~~

~~—— (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;~~

~~—— (iv) be mailed to:~~

~~—— (A) the property's owner of record; and~~

~~—— (B) any other individual designated to receive notice in the owner's license or permit records; and~~

~~—— (v) be posted on the property.~~

~~—— (d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the county shall:~~

~~—— (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and~~

~~—— (B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.~~

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~~—— (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a county may not record a lien under this Subsection (5) until the county holds a hearing and determines that the specific violation has occurred.~~

~~—— (iii) If the county determines at the hearing that the specific violation has occurred, the county may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.~~

~~—— (e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the county may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b):~~

~~—— (6) (a) A county that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.~~

~~—— (b) The notice described in Subsection (6)(a) shall include:~~

~~—— (i) a description of the primary dwelling;~~

~~—— (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;~~
and

~~—— (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the county's land use regulations.~~

~~—— (c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.~~

~~—— Section 20. Section **17B-2a-802** is amended to read:~~

‡ **17B-2a-802. Definitions.**

As used in this part:

(1) "Affordable housing" means housing occupied or reserved for occupancy by households that meet certain gross household income requirements based on the area median income for households of the same size.

(a) "Affordable housing" may include housing occupied or reserved for occupancy by households that meet specific area median income targets or ranges of area median income

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targets.

(b) "Affordable housing" does not include housing occupied or reserved for occupancy by households with gross household incomes that are more than 60% of the area median income for households of the same size.

(2) "Appointing entity" means the person, county, unincorporated area of a county, or municipality appointing a member to a public transit district board of trustees.

(3) (a) "Chief executive officer" means a person appointed by the board of trustees of a small public transit district to serve as chief executive officer.

(b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and responsibilities assigned to the general manager but prescribed by the board of trustees to be fulfilled by the chief executive officer.

(4) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.

(5) "Department" means the Department of Transportation created in Section 72-1-201.

(6) "Executive director" means a person appointed by the board of trustees of a large public transit district to serve as executive director.

(7) (a) "General manager" means a person appointed by the board of trustees of a small public transit district to serve as general manager.

(b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public transit district.

(8) "Large public transit district" means a public transit district that provides public transit to an area that includes:

(a) more than 65% of the population of the state based on the most recent official census or census estimate of the United States Census Bureau; and

(b) two or more counties.

(9) (a) "Locally elected public official" means a person who holds an elected position with a county or municipality.

(b) "Locally elected public official" does not include a person who holds an elected

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position if the elected position is not with a county or municipality.

(10) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.

(11) "Multicounty district" means a public transit district located in more than one county.

(12) "Operator" means a public entity or other person engaged in the transportation of passengers for hire.

(13) (a) "Public transit" means regular, continuing, shared-ride, surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.

(b) "Public transit" does not include transportation services provided by:

(i) chartered bus;

(ii) sightseeing bus;

(iii) taxi;

(iv) school bus service;

(v) courtesy shuttle service for patrons of one or more specific establishments; or

(vi) intra-terminal or intra-facility shuttle services.

(14) "Public transit district" means a local district that provides public transit services.

(15) "Small public transit district" means any public transit district that is not a large public transit district.

~~[(16) "Station area plan" means a plan adopted by the relevant municipality or county that establishes and preserves a vision for areas within one-half mile of a fixed guideway station of a large public transit district, the development of which includes:]~~

~~[(a) involvement of all relevant stakeholders who have an interest in the station area, including relevant metropolitan planning organizations;]~~

~~[(b) identification of major infrastructural and policy constraints and a course of action to address those constraints; and]~~

~~[(c) other criteria as determined by the board of trustees of the relevant public transit district.]~~

(16) "Station area plan" means a plan developed and adopted by a municipality in accordance with Section 10-9a-403.1.

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(17) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:

- (a) leased by or operated by or on behalf of a public transit district; and
- (b) related to the public transit services provided by the district, including:
 - (i) railway or other right-of-way;
 - (ii) railway line; and
 - (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

(18) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle operated as public transportation by a public transit district.

(19) "Transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to public transit and includes the development of land owned by a large public transit district.

(20) "Transit-supportive development" means a mixed use residential or commercial area that is designed to maximize access to public transit and does not include the development of land owned by a large public transit district.

Section ~~{21}~~17. Section **17B-2a-804** is amended to read:

17B-2a-804. Additional public transit district powers.

(1) In addition to the powers conferred on a public transit district under Section 17B-1-103, a public transit district may:

- (a) provide a public transit system for the transportation of passengers and their incidental baggage;
- (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817, levy and collect property taxes only for the purpose of paying:
 - (i) principal and interest of bonded indebtedness of the public transit district; or
 - (ii) a final judgment against the public transit district if:
 - (A) the amount of the judgment exceeds the amount of any collectable insurance or indemnity policy; and
 - (B) the district is required by a final court order to levy a tax to pay the judgment;
 - (c) insure against:
 - (i) loss of revenues from damage to or destruction of some or all of a public transit

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system from any cause;

(ii) public liability;

(iii) property damage; or

(iv) any other type of event, act, or omission;

(d) acquire, contract for, lease, construct, own, operate, control, or use:

(i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal, parking lot, or any other facility necessary or convenient for public transit service; or

(ii) any structure necessary for access by persons and vehicles;

(e) (i) hire, lease, or contract for the supplying or management of a facility, operation, equipment, service, employee, or management staff of an operator; and

(ii) provide for a sublease or subcontract by the operator upon terms that are in the public interest;

(f) operate feeder bus lines and other feeder or ridesharing services as necessary;

(g) accept a grant, contribution, or loan, directly through the sale of securities or equipment trust certificates or otherwise, from the United States, or from a department, instrumentality, or agency of the United States;

(h) study and plan transit facilities in accordance with any legislation passed by Congress;

(i) cooperate with and enter into an agreement with the state or an agency of the state or otherwise contract to finance to establish transit facilities and equipment or to study or plan transit facilities;

(j) subject to Subsection 17B-2a-808.1(5), issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;

(k) from bond proceeds or any other available funds, reimburse the state or an agency of the state for an advance or contribution from the state or state agency;

(l) do anything necessary to avail itself of any aid, assistance, or cooperation available under federal law, including complying with labor standards and making arrangements for employees required by the United States or a department, instrumentality, or agency of the United States;

(m) sell or lease property;

(n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or

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transit-supportive developments;

(o) establish, finance, participate as a limited partner or member in a development with limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented developments or transit-supportive developments; and

(p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a transit-oriented development or a transit-supportive development in connection with project area development as defined in Section 17C-1-102 by:

(i) investing in a project as a limited partner or a member, with limited liabilities; or

(ii) subordinating an ownership interest in real property owned by the public transit district.

(2) (a) A public transit district may only assist in the development of areas under Subsection (1)(p) that have been approved by the board of trustees, and in the manners described in Subsection (1)(p).

(b) A public transit district may not invest in a transit-oriented development or transit-supportive development as a limited partner or other limited liability entity under the provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity, makes an equity contribution equal to no less than 25% of the appraised value of the property to be contributed by the public transit district.

(c) (i) For transit-oriented development projects, a public transit district shall adopt transit-oriented development policies and guidelines that include provisions on affordable housing.

(ii) For transit-supportive development projects, a public transit district shall work with the metropolitan planning organization and city and county governments where the project is located to collaboratively seek to create joint plans for the areas within one-half mile of transit stations, including plans for affordable housing.

(d) A current board member of a public transit district to which the board member is appointed may not have any interest in the transactions engaged in by the public transit district pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's fiduciary duty as a board member.

(3) For any transit-oriented development or transit-supportive development authorized

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in this section, the public transit district shall:

(a) perform a cost-benefit analysis of the monetary investment and expenditures of the development, including effect on:

- (i) service and ridership;
- (ii) regional plans made by the metropolitan planning agency;
- (iii) the local economy;
- (iv) the environment and air quality;
- (v) affordable housing; and
- (vi) integration with other modes of transportation; and

(b) provide evidence to the public of a quantifiable positive return on investment, including improvements to public transit service.

(4) A public transit district may ~~[not]~~ participate in a transit-oriented development only if:

(a) for a transit-oriented development involving a municipality:

(i) the relevant municipality ~~[or county]~~ has ~~[not]~~ developed and adopted a station area plan; and

~~[(b) (i) for a transit-oriented development involving a municipality,]~~

(ii) the municipality is ~~[not]~~ in compliance with Sections 10-9a-403 and 10-9a-408 regarding the inclusion of moderate income housing in the general plan and the required reporting requirements; or

~~[(ii)]~~ (b) for a transit-oriented development involving property in an unincorporated area of a county, the county is ~~[not]~~ in compliance with Sections 17-27a-403 and 17-27a-408 regarding inclusion of moderate income housing in the general plan and required reporting requirements.

(5) A public transit district may be funded from any combination of federal, state, local, or private funds.

(6) A public transit district may not acquire property by eminent domain.

Section ~~{22}~~18. Section **20A-7-601** is amended to read:

20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws, subjurisdictional laws, and transit area land use laws -- Time requirements.

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(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

(b) "Qualifying county" means a county that has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.

(c) "Qualifying transit area" means:

(i) a station area, as defined in Section 10-9a-403.1, for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection 10-9a-403.1(2)(a), as demonstrated by the adoption of a station area plan or resolution under Subsection 10-9a-403.1(2); or

(ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a qualifying county.

~~(b)~~ (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

~~(c)~~ (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, town, or metro township.

(ii) "Subjurisdictional law" does not include a land use law.

(f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.

~~(d)~~ (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) Except as provided in ~~[Subsection (3) or (4)]~~ Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first

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class:

(i) 7.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%

of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of

the county's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or

a city of the second class:

(i) 8.25% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%

of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%

of the county's voter participation areas;

(f) for a metro township with a population of 30,000 or more but less than 65,000, or a

city of the third class:

(i) 10% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%

of the metro township's or city's voter participation areas;

(g) for a county of the fourth class:

(i) 11.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%

of the county's voter participation areas;

(h) for a metro township with a population of 10,000 or more but less than 30,000, or a

city of the fourth class:

(i) 11.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%

of the metro township's or city's voter participation areas;

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(i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro township, city, or county; or

(j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, 35% of the number of active voters in the metro township, town, or county.

(3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first, second, third, or fourth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a county of the fifth or sixth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(c) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 15% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 16% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 27.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

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(f) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) 29% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a metro township with a population of 1,000 or more but less than 10,000, or a city of the fifth class, 35% of the number of active voters in the metro township or city; or

(h) for a metro township with a population of less than 1,000 or a town, 40% of the number of active voters in the metro township or town.

(4) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures of the residents in the subjurisdiction equal to:

(a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;

(b) 12-1/2% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 25,000 but is more than 10,000;

(c) 15% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;

(d) 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;

(e) 25% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; and

(f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.

(5) An eligible voter seeking to have a transit area land use law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county:

(i) 20% of the number of active voters in the county; and

(ii) 21% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first

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class:

(i) 20% of the number of active voters in the metro township or city; and

(ii) 20% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas;

(c) for a metro township with a population of 65,000 or more but less than 100,000, or

a city of the second class:

(i) 20% of the number of active voters in the metro township or city; and

(ii) 21% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas;

(d) for a metro township with a population of 30,000 or more but less than 65,000, or a

city of the third class:

(i) 34% of the number of active voters in the metro township or city; and

(ii) 34% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas;

(e) for a metro township with a population of 10,000 or more but less than 30,000, or a

city of the fourth class:

(i) 36% of the number of active voters in the metro township or city; and

(ii) 36% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas; or

(f) for a metro township with a population less than 10,000, a city of the fifth class, or a

town, 40% of the number of active voters in the metro township, city, or town.

~~[(5)]~~ (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), ~~[or]~~ (4), or (5), any local law passed by a local legislative body shall file the application before 5 p.m. within seven days after the day on which the local law was passed.

~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Section ~~{23}~~19. Section **20A-7-602.8** is amended to read:

20A-7-602.8. Referability to voters of local land use law -- Limitations on referability to voters of transit area land use law.

(1) Within 20 days after the day on which an eligible voter files an application to

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circulate a referendum petition under Section 20A-7-602 for a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:

(a) review the application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) (a) ~~[For a land use law, a]~~ Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally referable to voters unless:

~~[(a)]~~ (i) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

~~[(b)]~~ (ii) the proposed referendum challenges a land use decision, rather than a land use regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

~~[(c)]~~ (iii) the proposed referendum challenges more than one law passed by the local legislative body; or

~~[(d)]~~ (iv) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.

(b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not legally referable to voters for a transit area land use law, as defined in Section 20A-7-601, if the transit area land use law was passed by a two-thirds vote of the local legislative body.

(3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

(4) (a) If a county, city, town, or metro township rejects a proposed referendum concerning a land use law, a sponsor of the proposed referendum may, within seven days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or

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(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).

(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.

(5) If, on challenge or appeal, the court determines that the proposed referendum is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Section ~~{24}~~20. Section **35A-8-101** is amended to read:

35A-8-101. Definitions.

As used in this chapter:

(1) "Accessible housing" means housing which has been constructed or modified to be accessible, as described in the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(2) "Director" means the director of the division.

(3) "Division" means the Housing and Community Development Division.

(4) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(5) "Moderate income housing unit" means a housing unit that qualifies as moderate income housing.

Section ~~{25}~~21. Section **35A-8-503** is amended to read:

35A-8-503. Housing loan fund board -- Duties -- Expenses.

(1) There is created the Olene Walker Housing Loan Fund Board.

(2) The board is composed of [~~11~~] 13 voting members.

(a) The governor shall appoint the following members to four-year terms:

(i) two members from local governments[~~;~~], of which:

(A) one member shall be a locally elected official who resides in a county of the first or second class; and

(B) one member shall be a locally elected official who resides in a county of the third, fourth, fifth, or sixth class;

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- (ii) two members from the mortgage lending community[;], of which:
 - (A) one member shall have expertise in single-family mortgage lending; and
 - (B) one member shall have expertise in multi-family mortgage lending;
- (iii) one member from real estate sales interests;
- (iv) [~~one member~~] two members from home builders interests[;], of which:
 - (A) one member shall have expertise in single-family residential construction; and
 - (B) one member shall have expertise in multi-family residential construction;
- (v) one member from rental housing interests;
- (vi) [~~one member~~] two members from housing advocacy interests[;], of which:
 - (A) one member who resides within any area in a county of the first or second class;

and

(B) one member who resides within any area in a county of the third, fourth, fifth, or sixth class;

- (vii) one member of the manufactured housing interest;
- (viii) one member with expertise in transit-oriented developments; and
- (ix) one member who represents rural interests.
- (b) The director or the director's designee serves as the secretary of the board.
- (c) The members of the board shall annually elect a chair from among the voting

membership of the board.

(3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(b) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term.

(4) (a) The board shall:

(i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by the board;

(ii) meet twice per year, with at least one of the meetings in a rural area of the state, to provide information to and receive input from the public regarding the state's housing policies and needs;

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(iii) keep minutes of its meetings; and

(iv) comply with the procedures and requirements of Title 52, Chapter 4, Open and Public Meetings Act.

(b) [~~Six~~] Seven members of the board constitute a quorum, and the governor, the chair, or a majority of the board may call a meeting of the board.

(5) The board shall:

(a) review the housing needs in the state;

(b) determine the relevant operational aspects of any grant, loan, or revenue collection program established under the authority of this chapter;

(c) determine the means to implement the policies and goals of this chapter;

(d) select specific projects to receive grant or loan money; and

(e) determine how fund money shall be allocated and distributed.

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

(a) Section 63A-3-106;

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

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

Section ~~{26}~~22. Section **35A-8-504** is amended to read:

35A-8-504. Distribution of fund money.

(1) As used in this section:

(a) "Community" means the same as that term is defined in Section 17C-1-102.

(b) "Income targeted housing" means the same as that term is defined in Section 17C-1-102.

~~{1}~~ (2) The executive director shall:

(a) make grants and loans from the fund for any of the activities authorized by Section 35A-8-505, as directed by the board;

(b) establish the criteria with the approval of the board by which loans and grants will be made; and

(c) determine with the approval of the board the order in which projects will be funded.

~~{2}~~ (3) The executive director shall distribute, as directed by the board, any federal

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money contained in the fund according to the procedures, conditions, and restrictions placed upon the use of the money by the federal government.

~~[(3)-(a)]~~ (4) The executive director shall distribute, as directed by the board, any funds received under Section 17C-1-412 to pay the costs of providing income targeted housing within the community that created the community reinvestment agency under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.

~~[(b) As used in Subsection (3)(a):]~~

~~[(i) "Community" means the same as that term is defined in Section 17C-1-102.]~~

~~[(ii) "Income targeted housing" means the same as that term is defined in Section 17C-1-102.]~~

~~[(4)]~~ (5) Except for federal money, money received under Section 17C-1-412, and money appropriated for use in accordance with Section 35A-8-2105, the executive director shall distribute, as directed by the board, money in the fund according to the following requirements:

~~[(a) the executive director shall distribute at least 30% of the money in the fund to rural areas of the state;]~~

~~[(b)]~~ (a) the executive director shall distribute at least 70% of the money in the fund to benefit persons whose annual income is at or below 50% of the median family income for the state;

~~[(c)]~~ (b) the executive director may ~~[not use more than]~~ use up to 3% of the revenues of the fund, including any appropriation to the fund to offset department or board administrative expenses;

~~[(d)]~~ (c) the executive director shall distribute any remaining money in the fund to benefit persons whose annual income is at or below 80% of the median family income for the state; and

~~[(e)]~~ (d) if the executive director or the executive director's designee makes a loan in accordance with this section, the interest rate of the loan shall be based on the borrower's ability to pay.

~~[(5)]~~ (6) The executive director may, with the approval of the board:

(a) enact rules to establish procedures for the grant and loan process by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

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and

(b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the servicing of loans made by the fund.

Section ~~{27}~~23. Section **35A-8-507.5** is amended to read:

35A-8-507.5. Predevelopment grants.

~~[(1) The executive director under the direction of the board may:]~~

~~[(a) award one or more predevelopment grants to nonprofit or for-profit entities in preparation for the construction of low-income housing units;]~~

~~[(b) award a predevelopment grant in an amount of no more than \$50,000 per project;]~~

~~[(c) may only award a predevelopment grant in relation to a project in:]~~

~~[(i) a city of the fifth or sixth class, or a town, in a rural area of the state; or]~~

~~[(ii) any municipality or unincorporated area in a county of the fourth, fifth, or sixth class.]~~

(1) The executive director may, under the direction of the board, award one or more predevelopment grants to a nonprofit or for-profit entity:

(a) in preparation for a project that:

(i) involves the construction of moderate income housing units; and

(ii) is located within:

(A) a city of the fifth or sixth class, or a town, in a rural area of the state; or

(B) any municipality or unincorporated area in a county of the fourth, fifth, or sixth class; and

(b) in an amount of no more than \$50,000 per project.

(2) The executive director shall, under the direction of the board ~~[shall]~~, award each predevelopment grant in accordance with the provisions of this section and the provisions related to grant applications, grant awards, and reporting requirements in this part.

(3) ~~[A]~~ The recipient of a predevelopment grant:

(a) may ~~[be used by a recipient for offsetting]~~ use grant funds to offset the predevelopment funds needed to prepare for the construction of low-income housing units, including market studies, surveys, environmental and impact studies, technical assistance, and preliminary architecture, engineering, or legal work; and

(b) may not ~~[be used by a recipient]~~ use grant funds to pay for staff salaries ~~[of a grant~~

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recipient] or construction costs.

(4) The executive director shall, under the direction of the board [~~shall~~], prioritize the awarding of a predevelopment grant for a project [~~in~~] that is located within:

(a) a county of the fifth or sixth class [~~and where the municipality or unincorporated~~];
and

(b) an area that has underdeveloped infrastructure, as demonstrated by at least two of the following:

~~(a)~~ (i) limited or no availability of natural gas;

~~(b)~~ (ii) limited or no availability of a sewer system;

~~(c)~~ (iii) limited or no availability of broadband Internet;

~~(d)~~ (iv) unpaved residential streets; or

~~(e)~~ (v) limited local construction professionals, vendors, or services.

Section ~~(28)~~24. Section **35A-8-508** is amended to read:

35A-8-508. Annual accounting.

(1) The executive director shall monitor the activities of recipients of grants and loans issued under this part on a yearly basis to ensure compliance with the terms and conditions imposed on the recipient by the executive director with the approval of the board or by this part.

(2) [~~An~~] Beginning July 1, 2021, an entity that receives [~~a grant or loan~~] any money from the fund under this part shall provide the executive director with an annual accounting of how the money the entity received from the fund has been spent.

(3) The executive director shall make an annual report to the board accounting for the expenditures authorized by the board.

(4) The board shall submit a report to the department for inclusion in the annual written report described in Section 35A-1-109:

(a) accounting for expenditures authorized by the board; and

(b) evaluating the effectiveness of the program.

Section ~~(29)~~25. Section **35A-8-509** is amended to read:

35A-8-509. Economic Revitalization and Investment Fund.

(1) There is created an enterprise fund known as the "Economic Revitalization and Investment Fund."

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(2) The Economic Revitalization and Investment Fund consists of money from the following:

- (a) money appropriated to the account by the Legislature;
- (b) private contributions;
- (c) donations or grants from public or private entities; and
- (d) money returned to the department under [~~Section 35A-8-512~~] Subsection 35A-8-512(3)(a).

(3) The Economic Revitalization and Investment Fund shall earn interest, which shall be deposited into the Economic Revitalization and Investment Fund.

(4) The executive director may distribute money from the Economic Revitalization and Investment Fund to one or more projects that:

(a) include affordable housing units for households[~~:(i)~~] whose income is no more than 30% of the area median income for households of the same size in the county or municipality where the project is located; and

~~[(ii) at rental rates no greater than the rates described in Subsection 35A-8-511(2)(b); and]~~

(b) have been approved by the board in accordance with Section 35A-8-510.

(5) (a) A housing sponsor may apply to the department to receive a distribution in accordance with Subsection (4).

(b) The application shall include:

(i) the location of the project;

(ii) the number, size, and tenant income requirements of affordable housing units described in Subsection (4)(a) that will be included in the project; and

(iii) a written commitment to enter into a deed restriction that reserves for a period of 30 years the affordable housing units described in Subsection (5)(b)(ii) or their equivalent for occupancy by households that meet the income requirements described in Subsection (5)(b)(ii).

(c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit is:

(i) (A) occupied or reserved for occupancy by a household whose income is no more than 30% of the area median income for households of the same size in the county or municipality where the project is located; or

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(B) occupied by a household whose income is no more than 60% of the area median income for households of the same size in the county or municipality where the project is located if that household met the income requirement described in Subsection (4)(a) when the household originally entered into the lease agreement for the housing unit; and

(ii) rented at a rate no greater than the rate described in Subsection 35A-8-511(2)(b).

(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make additional rules providing procedures for a person to apply to the department to receive a distribution described in Subsection (4).

(6) The executive director may expend up to 3% of the revenues of the Economic Revitalization and Investment Fund, including any appropriation to the Economic Revitalization and Investment Fund, to offset department or board administrative expenses.

Section ~~30~~26. Section **35A-8-509.5** is enacted to read:

35A-8-509.5. Rural Housing Fund.

(1) There is created an enterprise fund known as the "Rural Housing Fund."

(2) The Rural Housing Fund consists of money from the following:

(a) money appropriated to the account by the Legislature;

(b) private contributions;

(c) donations or grants from public or private entities; and

(d) money returned to the department under Subsection 35A-8-512(3)(b).

(3) The Rural Housing Fund shall earn interest, which shall be deposited into the Rural Housing Fund.

(4) Subject to appropriation, the executive director may expend funds in the Rural Housing Fund to provide loans for projects that:

(a) are located within:

(i) a county of the third, fourth, fifth, or sixth class; or

(ii) a municipality in a county of the second class with a population of 10,000 or less;

(b) include moderate income housing units; and

(c) have been approved by the board in accordance with Section 35A-8-510.

(5) (a) A housing sponsor may apply to the department to receive a loan under this section.

(b) An application under Subsection (5)(a) shall specify:

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(i) the location of the project;

(ii) the number, size, and income requirements of moderate income housing units that will be included in the project; and

(iii) a written commitment to enter into a deed restriction that reserves for a period of 50 years the moderate income housing units described in Subsection (5)(b)(ii).

(c) A commitment under Subsection (5)(b)(iii) shall be considered satisfied if a housing unit is occupied by a household that met the income requirement for moderate income housing when the household originally entered into the lease agreement for the housing unit.

(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules establishing procedures and requirements for housing sponsors to apply for and receive loans under this section.

(6) The executive director may expend up to 3% of the revenues of the Rural Housing Fund, including any appropriation to the Rural Housing Fund, to offset department or board administrative expenses.

Section ~~31~~27. Section **35A-8-510** is amended to read:

35A-8-510. Housing loan fund board approval.

(1) The board shall review the project applications described in [~~Subsection~~ Subsections 35A-8-509(5) and 35A-8-509.5(5)].

(2) (a) The board may approve a project that meets the requirements of Subsections 35A-8-509(4) and (5) to receive funds from the Economic Revitalization and Investment Fund.

(b) The board may approve a project that meets the requirements of Subsections 35A-8-509.5(4) and (5) to receive funds from the Rural Housing Fund.

(3) The board shall give preference to projects:

(a) that include significant additional or matching funds from an individual, private organization, or local government entity;

(b) that include significant contributions by the applicant to total project costs, including contributions secured by the applicant from other sources such as professional, craft, and trade services and lender interest rate subsidies;

(c) with significant local government contributions in the form of infrastructure, improvements, or other assistance;

(d) where the applicant has demonstrated the ability, stability, and resources to

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complete the project;

- (e) that will serve the greatest need;
- (f) that promote economic development benefits;
- (g) that allow integration into a local government housing plan;
- (h) that would mitigate or correct existing health, safety, or welfare concerns; or
- (i) that remedy a gap in the supply of and demand for affordable housing.

Section ~~{32}~~28. Section **35A-8-511** is amended to read:

35A-8-511. Activities authorized to receive account money.

~~[(+)]~~ The executive director may distribute funds from the Economic Revitalization and Investment Fund and the Rural Housing Fund for any of the following activities undertaken as part of an approved project:

~~[(a)]~~ (1) the acquisition, rehabilitation, or new construction of a building that includes ~~[affordable]~~ moderate income housing units;

~~[(b)]~~ (2) the purchase of land for the construction of a building that will include ~~[affordable]~~ moderate income housing units; or

~~[(c)]~~ (3) pre-development work, including planning, studies, design, and site work for a building that will include ~~[affordable]~~ moderate income housing units.

~~[(2)]~~ The maximum amount of money that may be distributed from the Economic Revitalization and Investment Fund for each affordable housing unit that has been committed in accordance with Subsection 35A-8-509(5)(b)(iii) is the present value, based on the current market interest rate as determined by the board for a multi-family mortgage loan in the county or metropolitan area where the project is located, of 360 monthly payments equal to the difference between:]

~~[(a)]~~ the most recent United States Department of Housing and Urban Development fair market rent for a unit of the same size in the county or metropolitan area where the project is located; and]

~~[(b)]~~ an affordable rent equal to 30% of the income requirement described in Subsection 35A-8-509(5)(b)(ii) for a household of:]

~~[(i)]~~ one person if the unit is an efficiency unit;]

~~[(ii)]~~ two people if the unit is a one-bedroom unit;]

~~[(iii)]~~ four people if the unit is a two-bedroom unit;]

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~~[(iv) five people if the unit is a three-bedroom unit;]~~

~~[(v) six people if the unit is a four-bedroom unit; or]~~

~~[(vi) eight people if the unit is a five-bedroom or larger unit.]~~

Section ~~{33}~~29. Section **35A-8-512** is amended to read:

35A-8-512. Repayment of funds.

(1) Upon the earlier of 30 years from the date an approved project is placed in service or the sale or transfer of the affordable housing units acquired, constructed, or rehabilitated as part of an approved project funded under ~~[Section 35A-8-511]~~ Subsection 35A-8-511(1), the housing sponsor shall remit to the department:

(a) the total amount of money distributed by the department to the housing sponsor for the project; and

(b) an additional amount of money determined by contract with the department prior to the initial disbursement of money ~~[from the Economic Revitalization and Investment Fund]~~.

(2) Any claim arising under Subsection (1) is a lien against the real property funded under this chapter.

(3) (a) Any money returned to the department under Subsection (1) from a housing sponsor that received funds from the Economic Revitalization and Investment Fund shall be deposited in the Economic Revitalization and Investment Fund.

(b) Any money returned to the department under Subsection (1) from a housing sponsor that received funds from the Rural Housing Fund shall be deposited in the Rural Housing Fund.

Section ~~{34}~~30. Section **35A-8-513** is amended to read:

35A-8-513. Annual accounting.

(1) The executive director shall monitor the activities of recipients of funds from the Economic Revitalization and Investment Fund and the Rural Housing Fund on a yearly basis to ensure compliance with the terms and conditions imposed on the recipient by the executive director with the approval of the board.

(2) (a) A housing sponsor that receives funds from the Economic Revitalization and Investment Fund shall provide the executive director with an annual accounting of how the money the entity received from the Economic Revitalization and Investment Fund has been spent and evidence that the commitment described in Subsection 35A-8-509(5) has been met.

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(b) A housing sponsor that receives funds from the Rural Housing Fund shall provide the executive director with an annual accounting of how the money the entity received from the Rural Housing Fund has been spent and evidence that the commitment described in Subsection 35A-8-509.5(5) has been met.

(3) The executive director shall make an annual report to the board accounting for the expenditures authorized by the board under the Economic Revitalization and Investment Fund and the Rural Housing Fund.

(4) The board shall submit a report to the department for inclusion in the annual written report described in Section 35A-1-109 that includes:

- (a) an accounting for expenditures authorized by the board; and
- (b) an evaluation of the effectiveness of [the] each program.

Section ~~35~~31. Section **35A-8-803** is amended to read:

35A-8-803. Division -- Functions.

(1) In addition to any other functions the governor or Legislature may assign:

(a) the division shall:

(i) provide a clearinghouse of information for federal, state, and local housing assistance programs;

(ii) establish, in cooperation with political subdivisions, model plans and management methods to encourage or provide for the development of affordable housing that may be adopted by political subdivisions by reference;

(iii) undertake, in cooperation with political subdivisions, a realistic assessment of problems relating to housing needs, such as:

(A) inadequate supply of dwellings;

(B) substandard dwellings; and

(C) inability of medium and low income families to obtain adequate housing;

(iv) provide the information obtained under Subsection (1)(a)(iii) to:

(A) political subdivisions;

(B) real estate developers;

(C) builders;

(D) lending institutions;

(E) affordable housing advocates; and

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(F) others having use for the information;

(v) advise political subdivisions of serious housing problems existing within their jurisdiction that require concerted public action for solution;

(vi) assist political subdivisions in defining housing objectives and in preparing for adoption a plan of action covering a five-year period designed to accomplish housing objectives within their jurisdiction; ~~and~~

(vii) for municipalities or counties required to submit an annual moderate income housing report to the department as described in Section 10-9a-408 or 17-27a-408:

(A) assist in the creation of the reports; and

~~[(B) evaluate the reports for the purposes of Subsections 72-2-124(5) and (6); and]~~

(B) review the reports to meet the requirements of Sections 10-9a-408 and 17-27a-408;

(viii) establish and maintain a database of moderate income housing units located within the state; and

(ix) on or before December 1, 2022, develop and submit to the Commission on Housing Affordability a methodology for determining whether a municipality or county is taking sufficient measures to protect and promote moderate income housing in accordance with the provisions of Sections 10-9a-403 and 17-27a-403; and

(b) within legislative appropriations, the division may accept for and on behalf of, and bind the state to, any federal housing or homeless program in which the state is invited, permitted, or authorized to participate in the distribution, disbursement, or administration of any funds or service advanced, offered, or contributed in whole or in part by the federal government.

(2) The administration of any federal housing program in which the state is invited, permitted, or authorized to participate in distribution, disbursement, or administration of funds or services, except those administered by the Utah Housing Corporation, is governed by Sections 35A-8-501 through 35A-8-508.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules describing the ~~[evaluation]~~ review process for moderate income housing reports described in Subsection (1)(a)(vii).

Section ~~36~~32. Section **35A-8-2105** is amended to read:

35A-8-2105. Allocation of volume cap.

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(1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed by the board of review to the allotment accounts as described in Section 35A-8-2106.

(b) The board of review may distribute up to 50% of each increase in the volume cap for use in development that occurs in quality growth areas, depending upon the board's analysis of the relative need for additional volume cap between development in quality growth areas and the allotment accounts under Section 35A-8-2106.

(2) To obtain an allocation of the volume cap, issuing authorities shall submit to the board of review an application containing information required by the procedures and processes of the board of review.

(3) (a) The board of review shall establish criteria for making allocations of volume cap that are consistent with the purposes of the code and this part.

(b) In making an allocation of volume cap the board of review shall consider the following:

- (i) the principal amount of the bonds proposed to be issued;
- (ii) the nature and the location of the project or the type of program;
- (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;
- (iv) whether the project or program could obtain adequate financing without an allocation of volume cap;
- (v) the degree to which an allocation of volume cap is required for the project or program to proceed or continue;
- (vi) the social, health, economic, and educational effects of the project or program on the local community and state as a whole;
- (vii) the anticipated economic development created or retained within the local community and the state as a whole;
- (viii) the anticipated number of jobs, both temporary and permanent, created or retained within the local community and the state as a whole;
- (ix) if the project is a residential rental project, the degree to which the residential rental project:
 - (A) targets lower income populations; and
 - (B) is accessible housing; and
- (x) whether the project meets the principles of quality growth recommended by the

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Quality Growth Commission created in Section 11-38-201.

(4) The board of review shall provide evidence of an allocation of volume cap by issuing a certificate in accordance with Section 35A-8-2107.

(5) (a) ~~[From]~~ Subject to Subsection (5)(c), from January 1 to June 30 of each year, the board of review shall set aside at least 50% of the Small Issue Bond Account that may only be allocated to manufacturing projects.

(b) ~~[From]~~ Subject to Subsection (5)(c), from July 1 to August 15 of each year, the board of review shall set aside at least 50% of the Pool Account that may only be allocated to manufacturing projects.

(c) The board of review is not required to set aside any unused volume cap under Subsection 35A-8-2106(2)(c) to satisfy the requirements of Subsection (5)(a) or (b).

Section ~~{37}~~33. Section **35A-8-2106** is amended to read:

35A-8-2106. Allotment accounts.

(1) There are created the following allotment accounts:

(a) the Single Family Housing Account, for which eligible issuing authorities are those authorized under the code and state statute to issue qualified mortgage bonds under Section 143 of the code;

(b) the Student Loan Account, for which eligible issuing authorities are those authorized under the code and state statute to issue qualified student loan bonds under Section 144(b) of the code;

(c) the Small Issue Bond Account, for which eligible issuing authorities are those authorized under the code and state statute to issue:

(i) qualified small issue bonds under Section 144(a) of the code;

(ii) qualified exempt facility bonds for qualified residential rental projects under Section 142(d) of the code; or

(iii) qualified redevelopment bonds under Section 144(c) of the code;

(d) the Exempt Facilities Account, for which eligible issuing authorities are those authorized under the code and state statute to issue any bonds requiring an allocation of volume cap other than for purposes described in ~~[Subsections]~~ Subsection (1)(a), (b), or (c);

(e) the Pool Account, for which eligible issuing authorities are those authorized under the code and state statute to issue any bonds requiring an allocation of volume cap; and

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(f) the Carryforward Account, for which eligible issuing authorities are those with projects or programs qualifying under Section 146(f) of the code.

(2) (a) The volume cap shall be distributed to the allotment accounts on January 1 of each year on the following basis:

- (i) 42% to the Single Family Housing Account;
- (ii) 33% to the Student Loan Account;
- (iii) 1% to the Exempt Facilities Account; and
- (iv) 24% to the Small Issue Bond Account.

(b) From July 1 to September 30 of each year, the board of review may transfer any unallocated volume cap from the Exempt Facilities Account or the Small Issue Bond Account to the Pool Account.

(c) Upon written notification by the issuing authorities eligible for volume cap allocation from the Single Family Housing Account or the Student Loan Account that all or a portion of volume cap distributed into that allotment account will not be used, the board of review may transfer the unused volume cap [~~between the Single Family Housing Account and the Student Loan Account~~] to any other allotment account.

(d) From October 1 to the third Friday of December of each year, the board of review shall transfer all unallocated volume cap into the Pool Account.

(e) On the third Saturday of December of each year, the board of review shall transfer uncollected volume cap, or allocated volume cap for which bonds have not been issued prior to the third Saturday of December, into the Carryforward Account.

(f) If the authority to issue bonds designated in any allotment account is rescinded by amendment to the code, the board of review may transfer any unallocated volume cap from that allotment account to any other allotment account.

Section ~~38~~34. Section **35A-8-2203** is amended to read:

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

(1) The commission's duties include:

(a) increasing 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 strategies, policies,

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procedures, and programs to address the housing affordability needs of the state;

(c) facilitating 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) studying, evaluating, and reporting on the status and effectiveness of policies, procedures, and programs that address housing affordability in the state;

(e) studying and evaluating the policies, procedures, and programs implemented by other states that address housing affordability;

(f) providing 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[-]; and

(h) on or before December 31, 2022, approving the methodology developed by the division under Subsection 35A-8-803(1)(a)(ix).

(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

(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.

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Section ~~39~~35. Section **63J-4-802** is amended to read:

63J-4-802. Creation of COVID-19 Local Assistance Matching Grant Program -- Eligibility -- Duties of the office.

(1) There is established a grant program known as COVID-19 Local Assistance Matching Grant Program that is administered by the office.

(2) The office shall award financial grants to local governments that meet the qualifications described in Subsection (3) to provide support for:

(a) projects or services that address the economic impacts of the COVID-19 emergency on housing insecurity, lack of affordable housing, or homelessness;

(b) costs incurred in addressing public health challenges resulting from the COVID-19 emergency;

(c) necessary investments in water and sewer infrastructure; or

(d) any other purpose authorized under the American Rescue Plan Act.

(3) To be eligible for a grant under this part, a local government shall:

(a) provide matching funds in an amount determined by the office; and

(b) certify that the local government will spend grant funds:

(i) on a purpose described in Subsection (2);

(ii) within the time period determined by the office; and

(iii) in accordance with the American Rescue Plan Act.

(4) As soon as is practicable, but on or before September 15, 2021, the office shall, with recommendations from the review committee, establish:

(a) procedures for applying for and awarding grants under this part, using an online grants management system that:

(i) manages each grant throughout the duration of the grant;

(ii) allows for:

(A) online submission of grant applications; and

(B) auditing and reporting for a local government that receives grant funds; and

(iii) generates reports containing information about each grant;

(b) criteria for awarding grants; and

(c) reporting requirements for grant recipients.

(5) Subject to appropriation, the office shall award grant funds on a competitive basis

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until December 31, 2024.

(6) If the office receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection 17-27a-408(5), the office may prioritize the awarding of a financial grant under this section to the municipality or county during the fiscal year specified in the notice.

(7) If the office receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), or a notice of ineligibility for a county as described in Subsection 17-27a-408(7), the office may not award a financial grant under this section to the municipality or county during the fiscal year specified in the notice.

~~[(6)]~~ (8) Before November 30 of each year, ending November 30, 2025, the office shall submit a report to the Executive Appropriations Committee that includes:

(a) a summary of the procedures, criteria, and requirements established under Subsection (4);

(b) a summary of the recommendations of the review committee under Section 63J-4-803;

(c) the number of applications submitted under the grant program during the previous year;

(d) the number of grants awarded under the grant program during the previous year;

(e) the aggregate amount of grant funds awarded under the grant program during the previous year; and

(f) any other information the office considers relevant to evaluating the success of the grant program.

~~[(7)]~~ (9) The office may use funds appropriated by the Legislature for the grant program to pay for administrative costs.

Section ~~40~~36. Section **63L-12-101** is enacted to read:

CHAPTER 12. GRANTING OF REAL PROPERTY FOR MODERATE INCOME HOUSING

63L-12-101. Definitions.

As used in this chapter:

(1) "Governmental entity" means:

(a) an agency, as that term is defined in Section 63G-10-102;

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(b) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

(c) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202; or

(d) a political subdivision, as that term is defined in Section 63L-11-102.

(2) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(3) "Municipality" means the same as that term is defined in Section 10-1-104.

Section ~~{41}~~37. Section **63L-12-102**, which is renumbered from Section 10-8-501 is renumbered and amended to read:

~~[10-8-501].~~ **63L-12-102. Grant of real property for moderate income housing.**

~~[(1) As used in this part, "affordable housing unit" means a rental housing unit where a household whose income is no more than 50% of the area median income for households where the housing unit is located is able to occupy the housing unit paying no more than 31% of the household's income for gross housing costs including utilities.]~~

~~[(2)] (1)~~ Subject to the requirements of this section, ~~[and for a municipality, Subsection 10-8-2(4), a political subdivision]~~ a governmental entity may grant real property owned by the ~~[political subdivision]~~ governmental entity to an entity for the development of ~~[one or more affordable housing units on the real property that will serve households at various income levels whereby at least 20% of the housing units are affordable housing units]~~ moderate income housing on the real property.

~~[(3) A political subdivision]~~

(2) A governmental entity shall ensure that real property granted ~~[as described in]~~ under Subsection [(2)] (1) is deed restricted for ~~[affordable]~~ moderate income housing for at least 30 years after the day on which each ~~[affordable]~~ moderate income housing unit is completed and occupied.

~~[(4)] (3)~~ If applicable, a ~~[political subdivision]~~ governmental entity granting real property under this section shall comply with:

(a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain[-];

(b) Subsection 10-8-2(4), if a municipality is granting real property under this section;

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(c) Subsection 17-50-312(5), if a county is granting real property under this section;
and

(d) except as provided in Subsection (4), any other applicable provisions of law that govern the granting of real property by the governmental entity.

~~[(5)] (4)~~ A municipality granting real property under this section is not subject to the provisions of Subsection 10-8-2(3).

Section ~~(42)~~38. Section **63N-3-113** is enacted to read:

63N-3-113. Financial assistance to entities offering technical assistance to municipalities in connection with planning.

(1) The administrator may provide money from the Industrial Assistance Account to an entity offering technical assistance to a municipality in connection with planning for housing, transportation, and growth.

(2) As part of an application for receiving money under this section, an applicant shall:

(a) describe the activities the entity will undertake to provide technical assistance to a municipality in connection with planning for housing, transportation, and growth; and

(b) satisfy other criteria the administrator considers appropriate.

(3) Before awarding any money under this section, the administrator shall:

(a) make findings as to whether an applicant has satisfied the requirements of Subsection (2);

(b) establish benchmarks and timeframes in which progress toward the completion of the agreed upon activities are to occur;

(c) monitor compliance by an applicant with any contract or agreement entered into by the applicant and the state as provided by Section 63N-3-107; and

(d) make funding decisions based upon appropriate findings and compliance.

Section 39. Section **63N-3-603** is amended to read:

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

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

(a) higher utilization of public transit;

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

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- (c) conservation of water resources through efficient land use;
- (d) improving air quality by reducing fuel consumption and motor vehicle trips;
- (e) encouraging transformative mixed-use development and investment in transportation and public transit infrastructure in strategic areas;
- (f) strategic land use and municipal planning in major transit investment corridors as described in Subsection 10-9a-403(2); and
- (g) increasing access to employment and educational opportunities.

(2) In order to accomplish the objectives described in Subsection (1), a municipality or public transit county that initiates the process to create a housing and transit reinvestment zone as described in this part shall ensure that the proposal for a housing and transit reinvestment zone includes:

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

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

(c) mixed-use development.

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

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

(a) subject to Subsection (5):

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

or

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

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

(b) subject to Section 63N-3-607, proposes the capture of a maximum of 80% of each

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taxing entity's tax increment above the base year for a term of no more than 25 consecutive years on each parcel within a 45-year period not to exceed the tax increment amount approved in the housing and transit reinvestment zone proposal; and

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

(5) If a parcel is bisected by the 1/3 mile radius, the full parcel may be included as part of the housing and transit reinvestment zone area and will not count against the limitations described in Subsection (4)(a).

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

(a) the tax commission;

(b) the State Board of Education;

(c) the state auditor;

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

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

(f) the Governor's Office of Economic Opportunity.

(7) (a) This Subsection (7) applies to a specified county, as defined in Section 17-27a-408, that has created a small public transit district on or before January 1, 2022.

(b) A county described in Subsection (7)(a) shall create a housing and transit reinvestment zone on or before December 31, 2022.

Section ~~{43}~~40. Section **72-1-304** is amended to read:

72-1-304. Written project prioritization process for new transportation capacity projects -- Rulemaking.

(1) (a) The Transportation Commission, in consultation with the department and the metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written prioritization process for the prioritization of:

(i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;

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- (ii) paved pedestrian or paved nonmotorized transportation projects that:
 - (A) mitigate traffic congestion on the state highway system; and
 - (B) are part of an active transportation plan approved by the department;
- (iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and
- (iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.

(b) (i) A local government or district may nominate a project for prioritization in accordance with the process established by the commission in rule.

(ii) If a local government or district nominates a project for prioritization by the commission, the local government or district shall provide data and evidence to show that:

- (A) the project will advance the purposes and goals described in Section 72-1-211;
- (B) for a public transit project, the local government or district has an ongoing funding source for operations and maintenance of the proposed development; and
- (C) the local government or district will provide 40% of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

(2) The following shall be included in the written prioritization process under Subsection (1):

- (a) a description of how the strategic initiatives of the department adopted under Section 72-1-211 are advanced by the written prioritization process;
- (b) a definition of the type of projects to which the written prioritization process applies;
- (c) specification of a weighted criteria system that is used to rank proposed projects and how it will be used to determine which projects will be prioritized;
- (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- (e) any other provisions the commission considers appropriate, which may include consideration of:
 - (i) regional and statewide economic development impacts, including improved local access to:
 - (A) employment;
 - (B) educational facilities;

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(C) recreation;

(D) commerce; and

(E) residential areas, including moderate income housing as demonstrated in the local government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

(ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and

(iii) any matching funds provided by a political subdivision or public transit district in addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

(3) (a) When prioritizing a public transit project that increases capacity, the commission:

(i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and

(ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:

(i) part of a transportation reinvestment zone created under Section 11-13-227 if:

(A) the state is a participant in the transportation reinvestment zone; or

(B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or

(ii) within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(c) If the department receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county.

(4) In developing the written prioritization process, the commission:

(a) shall seek and consider public comment by holding public meetings at locations throughout the state; and

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(b) may not consider local matching dollars as provided under Section 72-2-123 unless the state provides an equal opportunity to raise local matching dollars for state highway improvements within each county.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).

(6) The commission shall submit the proposed rules under this section to a committee or task force designated by the Legislative Management Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (5).

Section ~~{44}~~41. Section **72-2-124** is amended to read:

72-2-124. Transportation Investment Fund of 2005.

(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

(2) The fund consists of money generated from the following sources:

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

(b) appropriations made to the fund by the Legislature;

(c) registration fees designated under Section 41-1a-1201;

(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103; and

(e) revenues transferred to the fund in accordance with Section 72-2-106.

(3) (a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(4) (a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);

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(iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);

(iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

(v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;

(vi) all highway general obligation bonds that are intended to be paid from revenues in the Centennial Highway Fund created by Section 72-2-118;

(vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;

(viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:

(A) mitigate traffic congestion on the state highway system;

(B) are part of an active transportation plan approved by the department; and

(C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ix) \$705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:

(A) the connector road between Main Street and 1600 North in the city of Vineyard;

(B) Geneva Road from University Parkway to 1800 South;

(C) the SR-97 interchange at 5600 South on I-15;

(D) two lanes on U-111 from Herriman Parkway to 11800 South;

(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

(F) improvements to 1600 North in Orem from 1200 West to State Street;

(G) widening I-15 between mileposts 6 and 8;

(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

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(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;

(J) I-15 northbound between mileposts 43 and 56;

(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;

(L) east Zion SR-9 improvements;

(M) Toquerville Parkway;

(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

(O) for construction of an interchange on Bangerter Highway at 13400 South; and

(P) an environmental impact study for Kimball Junction in Summit County; and

(x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:

(A) \$5,000,000 for Payson Main Street repair and replacement;

(B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

(C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

(D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10.

(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).

(5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of [~~a municipality that is required to adopt a moderate income housing plan element as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has failed to adopt a moderate income housing plan element as part of the municipality's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii)] the~~

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municipality during the fiscal year specified in the notice.

~~[(b) Within the boundaries of a municipality that is required under Subsection 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate income housing plan element as part of the municipality's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:]~~

(b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before ~~[May 1, 2020]~~ July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of ~~[a county, if the county is required to adopt a moderate income housing plan element as part of the county's general plan as described in Subsection 17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as part of the county's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection~~

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~~35A-8-803(1)(a)(vii)]~~ the county during the fiscal year specified in the notice.

~~[(b) Within the boundaries of the unincorporated area of a county where the county is required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate income housing plan element as part of the county's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:]~~

(b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections ~~[(5)]~~ (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, ~~[2020]~~ 2022, for projects prioritized by the commission under Section 72-1-304.

(7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or

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sinking fund.

(9) (a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.

(b) The fund shall be funded by:

(i) contributions deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;

(iv) private contributions; and

(v) donations or grants from public or private entities.

(c) (i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund for public transit capital development of new capacity projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304.

(e) (i) The Legislature may only appropriate money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 40% of the costs needed for the project.

(ii) A public transit district or political subdivision may use money derived from a loan granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or part of the 40% requirement described in Subsection (9)(e)(i) if:

(A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund; and

(B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.

(10) (a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

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- (iii) private contributions; and
- (iv) donations or grants from public or private entities.
- (c) (i) The fund shall earn interest.
- (ii) All interest earned on fund money shall be deposited into the fund.
- (d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.

Section ~~{45}~~42. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Workforce Services -- Housing and Community Development

From General Fund, One-time \$500,000

Schedule of Programs:

Housing Development \$500,000

The Legislature intends that the Department of Workforce Services use funds appropriated under this item to develop a statewide database for moderate income housing units as described in Subsection 35A-8-803(1)(a)(viii).

ITEM 2

To Department of Workforce Services -- Housing and Community Development

From General Fund, One-time \$750,000

Schedule of Programs:

Housing Development \$750,000

The Legislature intends that:

(1) the Department of Workforce Services use \$375,000 of the funds appropriated under this item in each of the fiscal years 2023 and 2024 to provide assistance to landlords under the Department of Workforce Services' Section 8 Landlord Incentive Program; and

(2) under the terms of Section 63J-1-603 of the Utah Code, appropriations under this item not lapse at the close of fiscal year 2023.

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ITEM 3

To Department of Workforce Services -- Administration

From General Fund \$132,000

Schedule of Programs:

Administrative Support \$132,000

The Legislature intends that the Department of Workforce Services use funds appropriated under this item to hire one full-time equivalent employee.

ITEM 4

To Department of Workforce Services -- Housing and Community Development

From General Fund, One-time \$250,000

Schedule of Programs:

Housing Development ~~_____~~ \$250,000

The Legislature intends that:

(1) the Department of Workforce Services distribute funds appropriated under this item to a nonprofit entity in the state that provides training and education on land use law;

(2) the Department of Workforce Services follow the provisions of Title 63G, Chapter 6a, Utah Procurement Code, in selecting the recipient entity; and

(3) the recipient entity use funds distributed from the Department of Workforce Services under this item to provide regional land use training and workshops to local officials and policymakers on housing issues.

ITEM 5

To Department of Workforce Services -- Housing and Community Development

From General Fund, One-time \$250,000

Schedule of Programs:

Housing Development ~~_____~~ \$250,000

The Legislature intends that:

(1) the Department of Workforce Services distribute funds appropriated under this item to a nonprofit entity in the state that engages in efforts to increase housing affordability through local zoning and housing regulation reform; and

(2) the Department of Workforce Services follow the provisions of Title 63G, Chapter 6a, Utah Procurement Code, in selecting the recipient entity.

