

**UTAH HOUSING AFFORDABILITY AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Waldrip**

Senate Sponsor: \_\_\_\_\_

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**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 for implementation as part of the moderate income housing element of the political subdivision's general plan;
- ▶ 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 receiving certain funds if the political subdivision demonstrates plans to implement a certain number of moderate income housing strategies;



- 28           ▶ prohibits a political subdivision from receiving certain funds if the political
- 29 subdivision fails to comply with moderate income housing reporting requirements;
- 30           ▶ requires a political subdivision to require the owner of a dwelling to obtain a license
- 31 or permit for renting internal accessory dwelling units;
- 32           ▶ allows a political subdivision to require certain physical changes for internal
- 33 accessory dwelling units constructed before a specified date;
- 34           ▶ limits a political subdivision's ability to impose certain requirements on internal
- 35 accessory dwelling units constructed before a specified date;
- 36           ▶ prohibits a political subdivision from imposing impact fees for the construction of
- 37 certain internal accessory dwelling units;
- 38           ▶ requires the Point of the Mountain State Land Authority to ensure that a certain
- 39 percentage of the proposed housing units within the point of the mountain state land
- 40 are dedicated to affordable housing and to report annually to the Unified Economic
- 41 Opportunity Commission;
- 42           ▶ requires the division to develop a statewide database of moderate income housing
- 43 units;
- 44           ▶ requires the division to develop a methodology for determining whether a political
- 45 subdivision is complying with certain moderate income housing requirements, to be
- 46 submitted to and approved by the Commission on Housing Affordability by a
- 47 certain date;
- 48           ▶ modifies the membership of the Olene Walker Housing Loan Fund Board;
- 49           ▶ requires an entity that receives any money from the Olene Walker Housing Loan
- 50 Fund after a certain date to provide an annual accounting to the department;
- 51           ▶ repeals certain limits on the amount of money the department may distribute from
- 52 the Economic Revitalization and Investment Fund;
- 53           ▶ establishes the Rural Housing Fund, to be used by the division to provide loans for
- 54 certain moderate income housing projects in rural areas;
- 55           ▶ allows the department to use a certain amount of money from specified funds to
- 56 offset administrative costs;
- 57           ▶ allows the Private Activity Bond Review Board to transfer certain unused allotment
- 58 account funds to any other allotment account, and exempts such funds from certain

- 59 set aside requirements;
- 60       ▶ allows state entities, in addition to political subdivisions, to grant real property for
- 61 certain developments that include moderate income housing;
- 62       ▶ repeals provisions that prohibit a political subdivision from adopting certain
- 63 ordinances related to short-term rentals; and
- 64       ▶ makes technical and conforming changes.

65 **Money Appropriated in this Bill:**

66 This bill appropriates in fiscal year 2023:

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

- 69           • from the General Fund, \$500,000;

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

- 72           • from the General Fund, \$750,000;

- 73       ▶ to Department of Workforce Services -- Olene Walker Housing Loan Fund, as a
- 74 one-time appropriation:

- 75           • from the General Fund, \$50,000,000;

- 76       ▶ to Department of Workforce Services -- Housing and Community Development, as
- 77 an ongoing appropriation:

- 78           • from the General Fund, \$208,000;

- 79       ▶ to Department of Workforce Services -- Administration, as an ongoing
- 80 appropriation:

- 81           • from the General Fund, \$132,000;

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

- 84           • from the General Fund, \$250,000;

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

- 87           • from the General Fund, \$250,000;

- 88       ▶ to Department of Workforce Services -- Rural Housing Fund, as a one-time
- 89 appropriation:

90           • from the General Fund, \$50,000,000; and  
91           ▶ to Governor's Office of Economic Opportunity -- Pass-Through, as a one-time  
92 appropriation:

93           • from the General Fund, \$1,000,000.

94 **Other Special Clauses:**

95           None

96 **Utah Code Sections Affected:**

97 AMENDS:

98           **10-9a-401**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

99           **10-9a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

100           **10-9a-404**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

101           **10-9a-408**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

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

103           **10-9a-530**, as enacted by Laws of Utah 2021, Chapter 102

104           **11-36a-202**, as last amended by Laws of Utah 2021, Chapter 35

105           **11-59-203**, as enacted by Laws of Utah 2018, Chapter 388

106           **17-27a-401**, as last amended by Laws of Utah 2021, Chapter 363

107           **17-27a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

108           **17-27a-404**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355

109           **17-27a-408**, as last amended by Laws of Utah 2020, Chapter 434

110           **17-27a-510.5**, as last amended by Laws of Utah 2021, Chapter 102

111           **17-27a-526**, as enacted by Laws of Utah 2021, Chapter 102

112           **35A-8-101**, as last amended by Laws of Utah 2021, Chapter 281

113           **35A-8-503**, as last amended by Laws of Utah 2019, Chapter 327

114           **35A-8-504**, as last amended by Laws of Utah 2020, Chapter 241

115           **35A-8-507.5**, as enacted by Laws of Utah 2021, Chapter 333

116           **35A-8-508**, as last amended by Laws of Utah 2014, Chapter 371

117           **35A-8-509**, as enacted by Laws of Utah 2017, Chapter 279

118           **35A-8-510**, as enacted by Laws of Utah 2017, Chapter 279

119           **35A-8-511**, as enacted by Laws of Utah 2017, Chapter 279

120           **35A-8-512**, as enacted by Laws of Utah 2017, Chapter 279

- 121 [35A-8-513](#), as enacted by Laws of Utah 2017, Chapter 279
- 122 [35A-8-803](#), as last amended by Laws of Utah 2019, Chapter 327
- 123 [35A-8-2105](#), as renumbered and amended by Laws of Utah 2018, Chapter 182
- 124 [35A-8-2106](#), as renumbered and amended by Laws of Utah 2018, Chapter 182
- 125 [35A-8-2203](#), as enacted by Laws of Utah 2018, Chapter 392
- 126 [63J-4-802](#), as enacted by Laws of Utah 2021, First Special Session, Chapter 4
- 127 [72-2-124](#), as last amended by Laws of Utah 2021, Chapters 239, 387, and 411

128 ENACTS:

- 129 [35A-8-509.5](#), Utah Code Annotated 1953
- 130 [63L-12-101](#), Utah Code Annotated 1953

131 RENUMBERS AND AMENDS:

- 132 [63L-12-102](#), (Renumbered from 10-8-501, as enacted by Laws of Utah 2021, Chapter
- 133 333)

134 REPEALS:

- 135 [10-8-85.4](#), as last amended by Laws of Utah 2021, Chapter 102
- 136 [17-50-338](#), as last amended by Laws of Utah 2021, Chapter 102



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

139 Section 1. Section **10-9a-401** is amended to read:

140 **10-9a-401. General plan required -- Content.**

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

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

145 (2) The general plan may provide for:

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

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

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

151 (i) food and water; and

- 152 (ii) drainage, sanitary, and other facilities and resources;  
153 (d) the use of energy conservation and solar and renewable energy resources;  
154 (e) the protection of urban development;  
155 (f) if the municipality is a town, the protection or promotion of moderate income  
156 housing;  
157 (g) the protection and promotion of air quality;  
158 (h) historic preservation;  
159 (i) identifying future uses of land that are likely to require an expansion or significant  
160 modification of services or facilities provided by each affected entity; and  
161 (j) an official map.

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

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

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

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

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

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

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

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

177 (3) (a) The general plan of a specified municipality, as defined in Section [10-9a-408](#),  
178 shall include a moderate income housing element that meets the requirements of Subsection  
179 [10-9a-403\(2\)\(a\)\(iii\).](#)

180 (b) On or before October 1, 2022, a specified municipality, as defined in Section  
181 [10-9a-408](#), with a general plan that does not comply with Subsection (3)(a) shall amend the  
182 general plan to comply with Subsection (3)(a).

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

185 Section 2. Section 10-9a-403 is amended to read:

186 **10-9a-403. General plan preparation.**

187 (1) (a) The planning commission shall provide notice, as provided in Section  
188 10-9a-203, of ~~[its]~~ the planning commission's intent to make a recommendation to the  
189 municipal legislative body for a general plan or a comprehensive general plan amendment  
190 when the planning commission initiates the process of preparing ~~[its]~~ the planning  
191 commission's recommendation.

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

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

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

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

204 (i) a land use element that:

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

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

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

213 (A) provides the general location and extent of existing and proposed freeways, arterial

214 and collector streets, public transit, active transportation facilities, and other modes of  
215 transportation that the planning commission considers appropriate;

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

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

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

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

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

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

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

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

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

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

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

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

244 (ii) for a town, may include, and for other municipalities, shall include, an analysis of



245 how the municipality will provide a realistic opportunity for the development of moderate  
246 income housing within the next five years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

307 ~~planning assistance;~~

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

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

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

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

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

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

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

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

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

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

334 (A) identify specific measures and benchmarks for implementing each moderate  
 335 income housing strategy selected by the municipality; and

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

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

338 (i) identify and consider each agriculture protection area within the municipality; and  
339 (ii) avoid proposing a use of land within an agriculture protection area that is  
340 inconsistent with or detrimental to the use of the land for agriculture.

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

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

346 (ii) consider and coordinate with the long-range transportation plan developed by the  
347 Department of Transportation, if the municipality is not within the boundaries of a  
348 metropolitan planning organization.

349 (3) The proposed general plan may include:

350 (a) an environmental element that addresses:

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

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

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

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

363 (i) historic preservation;

364 (ii) the diminution or elimination of a development impediment as defined in Section  
365 [17C-1-102](#); and

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

368 (d) an economic element composed of appropriate studies and forecasts, as well as an

369 economic development plan, which may include review of existing and projected municipal  
370 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
371 primary and secondary market areas, employment, and retail sales activity;

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

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

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

378 Section 3. Section 10-9a-404 is amended to read:

379 **10-9a-404. Public hearing by planning commission on proposed general plan or**  
380 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
381 **by legislative body.**

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

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

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

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

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

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

396 (4) The legislative body shall adopt:

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

398 (b) a transportation and traffic circulation element as provided in Subsection  
399 10-9a-403(2)(a)(ii); and

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

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

405 Section 4. Section 10-9a-408 is amended to read:

406 **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**  
407 **funds -- Ineligibility for funds after noncompliance -- Civil actions.**

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

410 ~~[(a) review the moderate income housing plan element of the municipality's general~~  
411 ~~plan and implementation of that element of the general plan;]~~

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

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

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

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

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

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

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

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

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

426 ~~[(d) a description of how the municipality has implemented any of the~~  
427 ~~recommendations related to moderate income housing described in Subsection~~

428 ~~10-9a-403(2)(b)(iii).]~~

429 ~~[(3) The legislative body of each municipality described in Subsection (1) shall send a~~  
430 ~~copy of the report under Subsection (1) to the Department of Workforce Services, the~~

431 ~~association of governments in which the municipality is located, and, if located within the~~  
432 ~~boundaries of a metropolitan planning organization, the appropriate metropolitan planning~~  
433 ~~organization.]~~

434 (1) As used in this section:

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

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

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

442 (d) "Moderate income housing strategy" means a strategy described in Subsection  
443 [10-9a-403\(2\)\(b\)\(iii\)](#).

444 (e) "Specified municipality" means:

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

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

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

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

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

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

455 (ii) an implementation plan.

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

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

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

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

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

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

471 (A) issued a building permit to construct; or

472 (B) issued a business license to rent;

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

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

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

479 (i) approved by the division; and

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

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

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

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

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

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



- 493 (i) includes the information required under Subsection (2)(b);  
494 (ii) demonstrates to the division that the specified municipality made plans to  
495 implement:  
496 (A) three or more moderate income housing strategies if the specified municipality  
497 does not have a fixed guideway public transit station; or  
498 (B) four or more moderate income housing strategies if the specified municipality has a  
499 fixed guideway public transit station; and  
500 (iii) is in a form approved by the division.  
501 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the  
502 report:  
503 (i) includes the information required under Subsection (2)(c);  
504 (ii) demonstrates to the division that the specified municipality made plans to  
505 implement:  
506 (A) three or more moderate income housing strategies if the specified municipality  
507 does not have a fixed guideway public transit station; or  
508 (B) four or more moderate income housing strategies if the specified municipality has a  
509 fixed guideway public transit station;  
510 (iii) is in a form approved by the division; and  
511 (iv) provides sufficient information for the division to:  
512 (A) assess the specified municipality's progress in implementing the moderate income  
513 housing strategies;  
514 (B) monitor compliance with the specified municipality's implementation plan;  
515 (C) identify a clear correlation between the specified municipality's land use  
516 regulations and land use decisions and the specified municipality's efforts to implement the  
517 moderate income housing strategies; and  
518 (D) identify how the market has responded to the specified municipality's selected  
519 moderate income housing strategies.  
520 (5) (a) A specified municipality qualifies for priority consideration under this  
521 Subsection (5) if the specified municipality's moderate income housing report:  
522 (i) complies with Subsection (2); and  
523 (ii) demonstrates to the division that the specified municipality made plans to

524 implement:

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

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

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

531 (i) the Department of Transportation may give priority consideration for programming  
532 funds from the Transportation Investment Fund of 2005, including the Transit Transportation  
533 Investment Fund, to a project that is located within the boundaries of the specified municipality  
534 in accordance with Subsection [72-2-124\(11\)](#); and

535 (ii) the Governor's Office of Planning and Budget may give priority consideration for  
536 awarding a financial grant to the specified municipality under the COVID-19 Local Assistance  
537 Matching Grant Program in accordance with Subsection [63J-4-802\(6\)](#).

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

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

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

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

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

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

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

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

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

555 deficiency;

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

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

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

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

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

566 (b) The following apply to a specified municipality described in Subsection (7)(a)  
567 during the fiscal year immediately following the fiscal year in which the report is required:

568 (i) the executive director of the Department of Transportation may not program funds  
569 from the Transportation Investment Fund of 2005, including the Transit Transportation  
570 Investment Fund, to a project that is located within the boundaries of the specified municipality  
571 in accordance with Subsection [72-2-124\(5\)](#); and

572 (ii) the Governor's Office of Planning and Budget may not award a financial grant to  
573 the specified municipality under the COVID-19 Local Assistance Matching Grant Program in  
574 accordance with Subsection [63J-4-802\(7\)](#).

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

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

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

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

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

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

586           ~~[(4)]~~ (8) In a civil action seeking enforcement or claiming a violation of this section or  
587 of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only  
588 injunctive or other equitable relief.

589           Section 5. Section 10-9a-511.5 is amended to read:

590           **10-9a-511.5. Changes to dwellings -- Egress windows.**

591           (1) As used in this section:

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

593           (i) within a primary dwelling;

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

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

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

598           (i) is detached; and

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

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

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

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

604           (i) the reasonable installation of:

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

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

607           (C) street addressing;

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

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

613           (F) hand or guard rails; or

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

615           (ii) the abatement of a structure; or

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

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

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

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

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

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

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

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

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

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

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

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

637 Section 6. Section **10-9a-530** is amended to read:

638 **10-9a-530. Internal accessory dwelling units.**

639 (1) As used in this section:

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

641 (i) within a primary dwelling;

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

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

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

646 (i) is detached; and

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

648 (2) In any area zoned primarily for residential use:  
649 (a) the use of an internal accessory dwelling unit is a permitted use; and  
650 (b) except as provided in ~~[Subsections (3) and (4)]~~ this section, a municipality may not  
651 establish any restrictions or requirements for the construction or use of one internal accessory  
652 dwelling unit within a primary dwelling, including a restriction or requirement governing:  
653 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;  
654 (ii) total lot size; or  
655 (iii) street frontage.

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

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

660 (c) A municipality shall require the owner of a primary dwelling to:  
661 (i) obtain a permit or license for renting an internal accessory dwelling unit; or  
662 (ii) obtain a building permit for constructing an internal accessory dwelling unit.

663 ~~[(4)]~~ (d) A municipality may:  
664 ~~[(a)]~~ (i) prohibit the installation of a separate utility meter for an internal accessory  
665 dwelling unit;  
666 ~~[(b)]~~ (ii) require that an internal accessory dwelling unit be designed in a manner that  
667 does not change the appearance of the primary dwelling as a single-family dwelling;  
668 ~~[(c)]~~ (iii) require a primary dwelling:  
669 ~~[(i)]~~ (A) to include one additional on-site parking space for an internal accessory  
670 dwelling unit, regardless of whether the primary dwelling is existing or new construction; and  
671 ~~[(ii)]~~ (B) to replace any parking spaces contained within a garage or carport if an  
672 internal accessory dwelling unit is created within the garage or carport;  
673 ~~[(d)]~~ (iv) prohibit the creation of an internal accessory dwelling unit within a mobile  
674 home as defined in Section 57-16-3;

675 ~~[(e) require the owner of a primary dwelling to obtain a permit or license for renting an~~  
676 ~~internal accessory dwelling unit;]~~

677 ~~[(f)]~~ (v) prohibit the creation of an internal accessory dwelling unit within a zoning  
678 district covering an area that is equivalent to:

679            ~~[(i)]~~ (A) 25% or less of the total area in the municipality that is zoned primarily for  
680 residential use; or

681            ~~[(ii)]~~ (B) 67% or less of the total area in the municipality that is zoned primarily for  
682 residential use, if the main campus of a state or private university with a student population of  
683 10,000 or more is located within the municipality;

684            ~~[(g)]~~ (vi) prohibit the creation of an internal accessory dwelling unit if the primary  
685 dwelling is served by a failing septic tank;

686            ~~[(h)]~~ (vii) prohibit the creation of an internal accessory dwelling unit if the lot  
687 containing the primary dwelling is 6,000 square feet or less in size;

688            ~~[(i)]~~ (viii) prohibit the rental or offering the rental of an internal accessory dwelling  
689 unit for a period of less than 30 consecutive days;

690            ~~[(j)]~~ (ix) prohibit the rental of an internal accessory dwelling unit if the internal  
691 accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary  
692 residence;

693            ~~[(k)]~~ (x) hold a lien against a property that contains an internal accessory dwelling unit  
694 in accordance with Subsection (5); and

695            ~~[(l)]~~ (xi) record a notice for an internal accessory dwelling unit in accordance with  
696 Subsection (6).

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

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

701            (c) In accordance with Section [10-9a-511.5](#), a municipality may require the owner of a  
702 primary dwelling to:

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

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

708            (5) (a) In addition to any other legal or equitable remedies available to a municipality, a  
709 municipality may hold a lien against a property that contains an internal accessory dwelling

710 unit if:

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

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

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

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

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

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

724 (b) The written notice of violation shall:

725 (i) describe the specific violation;

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

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

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

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

737 (iv) notify the owner of the property:

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

740 (B) of the name and address of the municipal office where the owner may file the



741 written objection;

742 (v) be mailed to:

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

744 (B) any other individual designated to receive notice in the owner's license or permit

745 records; and

746 (vi) be posted on the property.

747 (c) The written notice of lien shall:

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

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

750 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after

751 the day on which the opportunity to cure the violation expires;

752 (iv) be mailed to:

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

754 (B) any other individual designated to receive notice in the owner's license or permit

755 records; and

756 (v) be posted on the property.

757 (d) (i) If an owner of property files a written objection in accordance with Subsection

758 (5)(b)(iv), the municipality shall:

759 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings

760 Act, to conduct a review and determine whether the specific violation described in the written

761 notice of violation under Subsection (5)(b) has occurred; and

762 (B) notify the owner in writing of the date, time, and location of the hearing described

763 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

764 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a

765 municipality may not record a lien under this Subsection (5) until the municipality holds a

766 hearing and determines that the specific violation has occurred.

767 (iii) If the municipality determines at the hearing that the specific violation has

768 occurred, the municipality may impose a lien in an amount of up to \$100 for each day of

769 violation after the day on which the opportunity to cure the violation expires, regardless of

770 whether the hearing is held after the day on which the opportunity to cure the violation has

771 expired.

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

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

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

781 (i) a description of the primary dwelling;

782 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

783 and

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

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

788 Section 7. Section **11-36a-202** is amended to read:

789 **11-36a-202. Prohibitions on impact fees.**

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

791 (a) impose an impact fee to:

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

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

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

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

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

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

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

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

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

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

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

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

815 (A) the Utah National Guard;

816 (B) the Utah Highway Patrol; or

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

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

819 or

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

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

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

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

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

832 (ii) If the imposition of an impact fee on a new school is not prohibited under  
833 Subsection (2)(b)(i) because the new school creates a greater demand or need for public

834 facilities than the school being replaced, the impact fee shall be based only on the demand or  
835 need that the new school creates for public facilities that exceeds the demand or need that the  
836 school being replaced creates for those public facilities.

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

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

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

843 (3) Notwithstanding any other provision of this chapter, a local political subdivision  
844 may impose and collect impact fees on behalf of a school district if authorized by Section  
845 [11-36a-206](#).

846 Section 8. Section **11-59-203** is amended to read:

847 **11-59-203. Authority duties and responsibilities.**

848 (1) As the authority plans, manages, and implements the development of the point of  
849 the mountain state land, the authority shall pursue development strategies and objectives  
850 designed to:

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

853 (b) ensure strategic residential and commercial growth;

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

856 (i) jobs close to where people live;

857 (ii) vibrant urban centers;

858 (iii) housing types that match workforce needs;

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

861 (v) preserving and enhancing recreational opportunities;

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

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

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

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

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

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

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

875 (i) relevant metropolitan planning organizations; and

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

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

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

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

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

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

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

893 Section 9. Section 17-27a-401 is amended to read:

894 **17-27a-401. General plan required -- Content -- Resource management plan --**  
895 **Provisions related to radioactive waste facility.**

896 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a  
897 comprehensive, long-range general plan:

898 (a) for present and future needs of the county;

899 (b) (i) for growth and development of all or any part of the land within the  
900 unincorporated portions of the county; or

901 (ii) if a county has designated a mountainous planning district, for growth and  
902 development of all or any part of the land within the mountainous planning district; and

903 (c) as a basis for communicating and coordinating with the federal government on land  
904 and resource management issues.

905 (2) To promote health, safety, and welfare, the general plan may provide for:

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

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

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

911 (i) food and water; and

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

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

914 (e) the protection of urban development;

915 (f) the protection and promotion of air quality;

916 (g) historic preservation;

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

919 (i) an official map.

920 [~~(3) (a) The general plan shall:~~]

921 [~~(i) allow and plan for moderate income housing growth; and]~~

922 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,  
923 shall include a moderate income housing element that meets the requirements of Subsection  
924 17-27a-403(2)(a)(iii).

925 [~~(ii) contain a resource management plan for the public lands, as defined in Section~~  
926 ~~63L-6-102, within the county.]~~

927            ~~[(b)]~~ (ii) On or before ~~[December 1, 2019, a]~~ October 1, 2022, a specified county, as  
928 defined in Section 17-27a-408, with a general plan that does not comply with Subsection  
929 (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

930            (b) The general plan shall contain a resource management plan for the public lands, as  
931 defined in Section 63L-6-102, within the county.

932            (c) The resource management plan described in Subsection ~~[(3)(a)(ii)]~~ (3)(b) shall  
933 address:

- 934            (i) mining;
- 935            (ii) land use;
- 936            (iii) livestock and grazing;
- 937            (iv) irrigation;
- 938            (v) agriculture;
- 939            (vi) fire management;
- 940            (vii) noxious weeds;
- 941            (viii) forest management;
- 942            (ix) water rights;
- 943            (x) ditches and canals;
- 944            (xi) water quality and hydrology;
- 945            (xii) flood plains and river terraces;
- 946            (xiii) wetlands;
- 947            (xiv) riparian areas;
- 948            (xv) predator control;
- 949            (xvi) wildlife;
- 950            (xvii) fisheries;
- 951            (xviii) recreation and tourism;
- 952            (xix) energy resources;
- 953            (xx) mineral resources;
- 954            (xxi) cultural, historical, geological, and paleontological resources;
- 955            (xxii) wilderness;
- 956            (xxiii) wild and scenic rivers;
- 957            (xxiv) threatened, endangered, and sensitive species;

958 (xxv) land access;  
959 (xxvi) law enforcement;  
960 (xxvii) economic considerations; and  
961 (xxviii) air.

962 (d) For each item listed under Subsection (3)(c), a county's resource management plan  
963 shall:

- 964 (i) establish findings pertaining to the item;
- 965 (ii) establish defined objectives; and
- 966 (iii) outline general policies and guidelines on how the objectives described in  
967 Subsection (3)(d)(ii) are to be accomplished.

968 (4) (a) (i) The general plan shall include specific provisions related to any areas within,  
969 or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a  
970 county, which are proposed for the siting of a storage facility or transfer facility for the  
971 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as  
972 these wastes are defined in Section 19-3-303.

973 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the  
974 proposed site upon the health and general welfare of citizens of the state, and shall provide:

- 975 [(i)] (A) the information identified in Section 19-3-305;
- 976 [(ii)] (B) information supported by credible studies that demonstrates that the  
977 provisions of Subsection 19-3-307(2) have been satisfied; and
- 978 [(iii)] (C) specific measures to mitigate the effects of high-level nuclear waste and  
979 greater than class C radioactive waste and guarantee the health and safety of the citizens of the  
980 state.

981 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
982 indicating that all proposals for the siting of a storage facility or transfer facility for the  
983 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
984 partially within the county are rejected.

985 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

986 (d) The county shall send a certified copy of the ordinance described in Subsection  
987 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
988 within 30 days of enactment.



989 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

990 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

991 (ii) send a certified copy of the repeal to the executive director of the Department of  
992 Environmental Quality by certified mail within 30 days after the repeal.

993 (5) The general plan may define the county's local customs, local culture, and the  
994 components necessary for the county's economic stability.

995 (6) Subject to Subsection 17-27a-403(2), the county may determine the  
996 comprehensiveness, extent, and format of the general plan.

997 (7) If a county has designated a mountainous planning district, the general plan for the  
998 mountainous planning district is the controlling plan.

999 (8) Nothing in this part may be construed to limit the authority of the state to manage  
1000 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

1001 Section 10. Section 17-27a-403 is amended to read:

1002 **17-27a-403. Plan preparation.**

1003 (1) (a) The planning commission shall provide notice, as provided in Section  
1004 17-27a-203, of [its] the planning commission's intent to make a recommendation to the county  
1005 legislative body for a general plan or a comprehensive general plan amendment when the  
1006 planning commission initiates the process of preparing [its] the planning commission's  
1007 recommendation.

1008 (b) The planning commission shall make and recommend to the legislative body a  
1009 proposed general plan for:

1010 (i) the unincorporated area within the county; or

1011 (ii) if the planning commission is a planning commission for a mountainous planning  
1012 district, the mountainous planning district.

1013 (c) (i) The plan may include planning for incorporated areas if, in the planning  
1014 commission's judgment, they are related to the planning of the unincorporated territory or of  
1015 the county as a whole.

1016 (ii) Elements of the county plan that address incorporated areas are not an official plan  
1017 or part of a municipal plan for any municipality, unless the county plan is recommended by the  
1018 municipal planning commission and adopted by the governing body of the municipality.

1019 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,

1020 and descriptive and explanatory matter, shall include the planning commission's  
1021 recommendations for the following plan elements:

1022 (i) a land use element that:

1023 (A) designates the long-term goals and the proposed extent, general distribution, and  
1024 location of land for housing for residents of various income levels, business, industry,  
1025 agriculture, recreation, education, public buildings and grounds, open space, and other  
1026 categories of public and private uses of land as appropriate; and

1027 (B) [~~may include~~] includes a statement of the projections for and standards of  
1028 population density and building intensity recommended for the various land use categories  
1029 covered by the plan;

1030 (ii) a transportation and traffic circulation element that:

1031 (A) provides the general location and extent of existing and proposed freeways, arterial  
1032 and collector streets, public transit, active transportation facilities, and other modes of  
1033 transportation that the planning commission considers appropriate;

1034 (B) addresses the county's plan for residential and commercial development around  
1035 major transit investment corridors to maintain and improve the connections between housing,  
1036 employment, education, recreation, and commerce; and

1037 (C) correlates with the population projections, the employment projections, and the  
1038 proposed land use element of the general plan;

1039 [~~(iii) a plan for the development of additional moderate income housing within the  
1040 unincorporated area of the county or the mountainous planning district, and a plan to provide a  
1041 realistic opportunity to meet the need for additional moderate income housing; and]~~

1042 (iii) for a specified county as defined in Section 17-27a-408, a moderate income  
1043 housing element that:

1044 (A) provides a realistic opportunity to meet the need for additional moderate income  
1045 housing within the next five years;

1046 (B) selects three or more moderate income housing strategies described in Subsection  
1047 (2)(b)(ii) for implementation; and

1048 (C) includes an implementation plan as provided in Subsection (2)(e); and

1049 (iv) [~~before May 1, 2017,~~] a resource management plan detailing the findings,  
1050 objectives, and policies required by Subsection 17-27a-401(3).

- 1051 (b) In drafting the moderate income housing element, the planning commission:  
1052 (i) shall consider the Legislature's determination that counties should facilitate a  
1053 reasonable opportunity for a variety of housing, including moderate income housing:  
1054 (A) to meet the needs of people of various income levels living, working, or desiring to  
1055 live or work in the community; and  
1056 (B) to allow people with various incomes to benefit from and fully participate in all  
1057 aspects of neighborhood and community life; and  
1058 (ii) shall include an analysis of how the county will provide a realistic opportunity for  
1059 the development of moderate income housing within the planning horizon, [~~which may~~  
1060 ~~include~~] including a recommendation to implement three or more of the following moderate  
1061 income housing strategies:  
1062 (A) rezone for densities necessary to [~~assure~~] facilitate the production of moderate  
1063 income housing;  
1064 (B) [~~facilitate~~] demonstrate investment in the rehabilitation or expansion of  
1065 infrastructure that [~~will encourage~~] facilitates the construction of moderate income housing;  
1066 (C) [~~facilitate~~] demonstrate investment in the rehabilitation of existing uninhabitable  
1067 housing stock into moderate income housing;  
1068 (D) [~~consider~~] identify and utilize county general fund subsidies or other sources of  
1069 revenue to waive construction related fees that are otherwise generally imposed by the county  
1070 for the construction or rehabilitation of moderate income housing;  
1071 (E) create or allow for, and reduce regulations related to, internal or detached accessory  
1072 dwelling units in residential zones;  
1073 (F) [~~allow~~] zone or rezone for higher density or moderate income residential  
1074 development in commercial [~~and~~] or mixed-use zones, commercial centers, or employment  
1075 centers;  
1076 (G) [~~encourage~~] amend land use regulations to allow for higher density or new  
1077 moderate income residential development in commercial or mixed-use zones near major transit  
1078 investment corridors;  
1079 (H) amend land use regulations to eliminate or reduce parking requirements for  
1080 residential development where a resident is less likely to rely on the resident's own vehicle,  
1081 such as residential development near major transit investment corridors or senior living

1082 facilities;

1083 (I) amend land use regulations to allow for single room occupancy developments;

1084 (J) implement zoning incentives for [~~low to~~] moderate income units in new

1085 developments;

1086 [~~(K) utilize strategies that preserve subsidized low to moderate income units on a~~

1087 ~~long-term basis;~~]

1088 [~~(L)~~] (K) preserve existing and new moderate income housing and subsidized units by

1089 utilizing a landlord incentive program, providing for deed restricted units through a grant

1090 program, or establishing a housing loss mitigation fund;

1091 [~~(M)~~] (L) reduce, waive, or eliminate impact fees[~~, as defined in Section 11-36a-102;~~]

1092 related to [~~low and~~] moderate income housing;

1093 [~~(N) participate in~~] (M) demonstrate creation of, or participation in, a community land

1094 trust program for [~~low or~~] moderate income housing;

1095 [~~(O)~~] (N) implement a mortgage assistance program for employees of the county [~~or~~

1096 ~~of~~], an employer that provides contracted services for the county, or any other public employer

1097 that operates within the county;

1098 [~~(P)~~] (O) apply for or partner with an entity that applies for state or federal funds or tax

1099 incentives to promote the construction of moderate income housing, an entity that applies for

1100 programs offered by the Utah Housing Corporation within that agency's funding capacity, an

1101 entity that applies for affordable housing programs administered by the Department of

1102 Workforce Services, an entity that applies for services provided by a public housing authority

1103 to preserve and create moderate income housing, or any other entity that applies for programs

1104 or services that promote the construction or preservation of moderate income housing;

1105 [~~(Q) apply for or partner with an entity that applies for programs offered by the Utah~~

1106 ~~Housing Corporation within that agency's funding capacity;~~]

1107 [~~(R) apply for or partner with an entity that applies for affordable housing programs~~

1108 ~~administered by the Department of Workforce Services;~~]

1109 [~~(S) apply for or partner with an entity that applies for services provided by a public~~

1110 ~~housing authority to preserve and create moderate income housing;~~]

1111 [~~(T) apply for or partner with an entity that applies for programs administered by a~~

1112 ~~metropolitan planning organization or other transportation agency that provides technical~~

1113 ~~planning assistance;~~  
1114       ~~[(U) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a  
1115 community reinvestment agency, redevelopment agency, or community development and  
1116 renewal agency to create or subsidize moderate income housing; [and]  
1117       (Q) create a program to transfer development rights for moderate income housing;  
1118       (R) ratify a joint acquisition agreement with another local political subdivision for the  
1119 purpose of combining resources to acquire property for moderate income housing;  
1120       (S) develop a moderate income housing project for residents who are disabled or 55  
1121 years of age or older; and  
1122       ~~[(V) consider]~~ (T) demonstrate implementation of any other program or strategy  
1123 [implemented by the county] to address the housing needs of residents of the county who earn  
1124 less than 80% of the area median income, including the dedication of a local funding source to  
1125 moderate income housing or the adoption of a land use ordinance that requires 10% or more of  
1126 new residential development in a residential zone be dedicated to moderate income housing.  
1127       (c) In drafting the land use element, the planning commission shall:  
1128       (i) identify and consider each agriculture protection area within the unincorporated area  
1129 of the county or mountainous planning district; and  
1130       (ii) avoid proposing a use of land within an agriculture protection area that is  
1131 inconsistent with or detrimental to the use of the land for agriculture.  
1132       (d) In drafting the transportation and traffic circulation element, the planning  
1133 commission shall:  
1134       (i) consider and coordinate with the regional transportation plan developed by [its] the  
1135 region's metropolitan planning organization, if the relevant areas of the county are within the  
1136 boundaries of a metropolitan planning organization; or  
1137       (ii) consider and coordinate with the long-range transportation plan developed by the  
1138 Department of Transportation, if the relevant areas of the county are not within the boundaries  
1139 of a metropolitan planning organization.  
1140       (e) (i) In drafting the implementation plan portion of the moderate income housing  
1141 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a  
1142 timeline for implementing each of the moderate income housing strategies selected by the  
1143 county for implementation.

- 1144            (ii) The timeline described in Subsection (2)(e)(i) shall:
- 1145            (A) identify specific measures and benchmarks for implementing each moderate
- 1146 income housing strategy selected by the county; and
- 1147            (B) provide flexibility for the county to make adjustments as needed.
- 1148            (3) The proposed general plan may include:
- 1149            (a) an environmental element that addresses:
- 1150            (i) to the extent not covered by the county's resource management plan, the protection,
- 1151 conservation, development, and use of natural resources, including the quality of air, forests,
- 1152 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
- 1153 and
- 1154            (ii) the reclamation of land, flood control, prevention and control of the pollution of
- 1155 streams and other waters, regulation of the use of land on hillsides, stream channels and other
- 1156 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
- 1157 protection of watersheds and wetlands, and the mapping of known geologic hazards;
- 1158            (b) a public services and facilities element showing general plans for sewage, water,
- 1159 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 1160 police and fire protection, and other public services;
- 1161            (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 1162 programs for:
- 1163            (i) historic preservation;
- 1164            (ii) the diminution or elimination of a development impediment as defined in Section
- 1165 [17C-1-102](#); and
- 1166            (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 1167 public building sites;
- 1168            (d) an economic element composed of appropriate studies and forecasts, as well as an
- 1169 economic development plan, which may include review of existing and projected county
- 1170 revenue and expenditures, revenue sources, identification of basic and secondary industry,
- 1171 primary and secondary market areas, employment, and retail sales activity;
- 1172            (e) recommendations for implementing all or any portion of the general plan, including
- 1173 the use of land use ordinances, capital improvement plans, community development and
- 1174 promotion, and any other appropriate action;

1175 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or  
1176 (3)(a)(i); and

1177 (g) any other element the county considers appropriate.

1178 Section 11. Section 17-27a-404 is amended to read:

1179 **17-27a-404. Public hearing by planning commission on proposed general plan or**  
1180 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
1181 **by legislative body.**

1182 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
1183 amend the general plan, the planning commission shall schedule and hold a public hearing on  
1184 the proposed plan or amendment.

1185 (b) The planning commission shall provide notice of the public hearing, as required by  
1186 Section 17-27a-204.

1187 (c) After the public hearing, the planning commission may modify the proposed  
1188 general plan or amendment.

1189 (2) The planning commission shall forward the proposed general plan or amendment to  
1190 the legislative body.

1191 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body  
1192 shall provide notice of its intent to consider the general plan proposal.

1193 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
1194 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
1195 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection  
1196 (3)(b).

1197 (ii) The hearing format shall allow adequate time for public comment at the actual  
1198 public hearing, and shall also allow for public comment in writing to be submitted to the  
1199 legislative body for not fewer than 90 days after the date of the public hearing.

1200 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
1201 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are  
1202 complete.

1203 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
1204 the state Legislature, executive director of the Department of Environmental Quality, the state  
1205 planning coordinator, the Resource Development Coordinating Committee, and any other

1206 citizens or entities who specifically request notice in writing.

1207 (iii) Public notice shall be given by publication on the Utah Public Notice Website  
1208 created in Section [63A-16-601](#).

1209 (iv) The notice shall be published to allow reasonable time for interested parties and  
1210 the state to evaluate the information regarding the provisions of Subsection [17-27a-401\(4\)](#),  
1211 including publication described in Subsection (3)(c)(iii) for 180 days before the date of the  
1212 hearing to be held under this Subsection (3).

1213 (4) (a) After the public hearing required under this section, the legislative body may  
1214 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

1215 (b) The legislative body shall respond in writing and in a substantive manner to all  
1216 those providing comments as a result of the hearing required by Subsection (3).

1217 (c) If the county legislative body rejects the proposed general plan or amendment, it  
1218 may provide suggestions to the planning commission for the planning commission's review and  
1219 recommendation.

1220 (5) The legislative body shall adopt:

1221 (a) a land use element as provided in Subsection [17-27a-403\(2\)\(a\)\(i\)](#);

1222 (b) a transportation and traffic circulation element as provided in Subsection  
1223 [17-27a-403\(2\)\(a\)\(ii\)](#);

1224 [~~(c) after considering the factors included in Subsection [17-27a-403\(2\)\(b\)](#), a plan to  
1225 provide a realistic opportunity to meet the need for additional moderate income housing; and]~~

1226 (c) for a specified county as defined in Section [17-27-408](#), a moderate income housing  
1227 element as provided in Subsection [17-27a-403\(2\)\(a\)\(iii\)](#); and

1228 (d) [~~before August 1, 2017,~~] a resource management plan as provided by Subsection  
1229 [17-27a-403\(2\)\(a\)\(iv\)](#).

1230 Section 12. Section **17-27a-408** is amended to read:

1231 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for  
1232 funds -- Ineligibility for funds after noncompliance -- Civil actions.**

1233 [~~(1) The legislative body of each county of the first, second, or third class, which has a  
1234 population in the county's unincorporated areas of more than 5,000 residents, shall annually:]~~

1235 [~~(a) review the moderate income housing plan element of the county's general plan and  
1236 implementation of that element of the general plan;]~~



- 1237 ~~[(b) prepare a report on the findings of the review described in Subsection (1)(a); and]~~  
1238 ~~[(c) post the report described in Subsection (1)(b) on the county's website.]~~  
1239 ~~[(2) The report described in Subsection (1) shall include:]~~  
1240 ~~[(a) a revised estimate of the need for moderate income housing in the unincorporated~~  
1241 ~~areas of the county for the next five years;]~~  
1242 ~~[(b) a description of progress made within the unincorporated areas of the county to~~  
1243 ~~provide moderate income housing demonstrated by analyzing and publishing data on the~~  
1244 ~~number of housing units in the county that are at or below:]~~  
1245 ~~[(i) 80% of the adjusted median family income;]~~  
1246 ~~[(ii) 50% of the adjusted median family income; and]~~  
1247 ~~[(iii) 30% of the adjusted median family income;]~~  
1248 ~~[(c) a description of any efforts made by the county to utilize a moderate income~~  
1249 ~~housing set-aside from a community reinvestment agency, redevelopment agency, or a~~  
1250 ~~community development and renewal agency; and]~~  
1251 ~~[(d) a description of how the county has implemented any of the recommendations~~  
1252 ~~related to moderate income housing described in Subsection ~~17-27a-403~~(2)(b)(ii).]~~  
1253 ~~[(3) The legislative body of each county described in Subsection (1) shall send a copy~~  
1254 ~~of the report under Subsection (1) to the Department of Workforce Services, the association of~~  
1255 ~~governments in which the county is located, and, if the unincorporated area of the county is~~  
1256 ~~located within the boundaries of a metropolitan planning organization, the appropriate~~  
1257 ~~metropolitan planning organization.] (1) As used in this section:~~  
1258 ~~(a) "Division" means the Housing and Community Development Division within the~~  
1259 ~~Department of Workforce Services.~~  
1260 ~~(b) "Implementation plan" means the implementation plan adopted as part of the~~  
1261 ~~moderate income housing element of a specified county's general plan as provided in~~  
1262 ~~Subsection ~~10-9a-403~~(2)(c).~~  
1263 ~~(c) "Moderate income housing report" or "report" means the report described in~~  
1264 ~~Subsection (2)(a).~~  
1265 ~~(d) "Moderate income housing strategy" means a strategy described in Subsection~~  
1266 ~~~~17-27a-403~~(2)(b)(ii).~~  
1267 ~~(e) "Specified county" means a county of the first, second, or third class, which has a~~

1268 population of more than 5,000 in the county's unincorporated areas.

1269 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative

1270 body of a specified county shall annually submit a written moderate income housing report to

1271 the division.

1272 (b) The moderate income housing report submitted in 2022 shall include:

1273 (i) a description of each moderate income housing strategy selected by the specified

1274 county for implementation; and

1275 (ii) an implementation plan.

1276 (c) The moderate income housing report submitted in each calendar year after 2022

1277 shall include:

1278 (i) the information required under Subsection (2)(b);

1279 (ii) a description of each action, whether one-time or ongoing, taken by the specified

1280 county during the previous fiscal year to implement the moderate income housing strategies

1281 selected by the specified county for implementation;

1282 (iii) a description of each land use regulation or land use decision made by the

1283 specified county during the previous fiscal year to implement the moderate income housing

1284 strategies, including an explanation of how the land use regulation or land use decision

1285 supports the specified county's efforts to implement the moderate income housing strategies;

1286 (iv) a description of any barriers encountered by the specified county in the previous

1287 fiscal year in implementing the moderate income housing strategies; and

1288 (v) information regarding the number of internal and external or detached accessory

1289 dwelling units located within the specified county for which the specified county:

1290 (A) issued a building permit to construct; or

1291 (B) issued a business license to rent;

1292 (vi) a description of how the market has responded to the selected moderate income

1293 housing strategies, including the number of entitled moderate income housing units or other

1294 relevant data; and

1295 (vii) any recommendations on how the state can support the specified county in

1296 implementing the moderate income housing strategies.

1297 (d) The moderate income housing report shall be in a form:

1298 (i) approved by the division; and

1299 (ii) made available by the division on or before July 1 of the year in which the report is  
1300 required.

1301 (3) Within 90 days after the day on which the division receives a specified county's  
1302 moderate income housing report, the division shall:

1303 (a) post the report on the division's website;

1304 (b) send a copy of the report to the Department of Transportation, the Governor's  
1305 Office of Planning and Budget, the association of governments in which the specified county is  
1306 located, and, if the unincorporated area of the specified county is located within the boundaries  
1307 of a metropolitan planning organization, the appropriate metropolitan planning organization;  
1308 and

1309 (c) subject to Subsection (4), review the report to determine compliance with  
1310 Subsection (2).

1311 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the  
1312 report:

1313 (i) includes the information required under Subsection (2)(b);

1314 (ii) demonstrates to the division that the specified county made plans to implement  
1315 three or more moderate income housing strategies; and

1316 (iii) is in a form approved by the division.

1317 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the  
1318 report:

1319 (i) includes the information required under Subsection (2)(c);

1320 (ii) demonstrates to the division that the specified county made plans to implement  
1321 three or more moderate income housing strategies;

1322 (iii) is in a form approved by the division; and

1323 (iv) provides sufficient information for the division to:

1324 (A) assess the specified county's progress in implementing the moderate income  
1325 housing strategies;

1326 (B) monitor compliance with the specified county's implementation plan;

1327 (C) identify a clear correlation between the specified county's land use decisions and  
1328 efforts to implement the moderate income housing strategies; and

1329 (D) identify how the market has responded to the specified county's selected moderate

1330 income housing strategies.

1331 (5) (a) A specified county qualifies for priority consideration under this Subsection (5)  
1332 if the specified county's moderate income housing report:

1333 (i) complies with Subsection (2); and

1334 (ii) demonstrates to the division that the specified county made plans to implement five  
1335 or more moderate income housing strategies.

1336 (b) The following apply to a specified county described in Subsection (5)(a) during the  
1337 fiscal year immediately following the fiscal year in which the report is required:

1338 (i) the Department of Transportation may give priority consideration for programming  
1339 funds from the Transportation Investment Fund of 2005, including the Transit Transportation  
1340 Investment Fund, to a project that is located within the unincorporated areas of the specified  
1341 county in accordance with Subsection [72-2-124\(11\)](#); and

1342 (ii) the Governor's Office of Planning and Budget may give priority consideration for  
1343 awarding a financial grant to the specified county under the COVID-19 Local Assistance  
1344 Matching Grant Program in accordance with Subsection [63J-4-802\(6\)](#).

1345 (c) Upon determining that a specified county qualifies for priority consideration under  
1346 this Subsection (5), the division shall send a notice of prioritization to the legislative body of  
1347 the specified county, the Department of Transportation, and the Governor's Office of Planning  
1348 and Budget.

1349 (d) The notice described in Subsection (5)(c) shall:

1350 (i) name the specified county that qualifies for priority consideration;

1351 (ii) describe the funds for which the specified county qualifies to receive priority  
1352 consideration;

1353 (iii) specify the fiscal year during which the specified county qualifies for priority  
1354 consideration; and

1355 (iv) state the basis for the division's determination that the specified county qualifies  
1356 for priority consideration.

1357 (6) (a) If the division, after reviewing a specified county's moderate income housing  
1358 report, determines that the report does not comply with Subsection (2), the division shall send a  
1359 notice of noncompliance to the legislative body of the specified county.

1360 (b) The notice described in Subsection (6)(a) shall:

- 1361 (i) describe each deficiency in the report and the actions needed to cure each  
1362 deficiency;
- 1363 (ii) state that the specified county has an opportunity to cure the deficiencies within 45  
1364 days after the day on which the notice is sent; and
- 1365 (iii) state that failure to cure the deficiencies within 90 days after the day on which the  
1366 notice is sent will result in ineligibility for funds under Subsection (7).
- 1367 (7) (a) A specified county is ineligible for funds under this Subsection (7) if the  
1368 specified county:
- 1369 (i) fails to submit a moderate income housing report to the division; or  
1370 (ii) fails to cure the deficiencies in the specified county's moderate income housing  
1371 report within 90 days after the day on which the division sent to the specified county a notice of  
1372 noncompliance under Subsection (6).
- 1373 (b) The following apply to a specified county described in Subsection (7)(a) during the  
1374 fiscal year immediately following the fiscal year in which the report is required:
- 1375 (i) the executive director of the Department of Transportation may not program funds  
1376 from the Transportation Investment Fund of 2005, including the Transit Transportation  
1377 Investment Fund, to a project that is located within the unincorporated areas of the specified  
1378 county in accordance with Subsection [72-2-124\(6\)](#); and
- 1379 (ii) the Governor's Office of Planning and Budget may not award a financial grant to  
1380 the specified county under the COVID-19 Local Assistance Matching Grant Program in  
1381 accordance with Subsection [63J-4-802\(7\)](#).
- 1382 (c) Upon determining that a specified county is ineligible for funds under this  
1383 Subsection (7), the division shall send a notice of ineligibility to the legislative body of the  
1384 specified county, the Department of Transportation, and the Governor's Office of Planning and  
1385 Budget.
- 1386 (d) The notice described in Subsection (7)(c) shall:
- 1387 (i) name the specified county that is ineligible for funds;  
1388 (ii) describe the funds for which the specified county is ineligible to receive;  
1389 (iii) specify the fiscal year during which the specified county is ineligible for funds;  
1390 and
- 1391 (iv) state the basis for the division's determination that the specified county is ineligible

1392 for funds.

1393 [~~(4)~~] (8) In a civil action seeking enforcement or claiming a violation of this section or  
1394 of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only  
1395 injunctive or other equitable relief.

1396 Section 13. Section 17-27a-510.5 is amended to read:

1397 **17-27a-510.5. Changes to dwellings -- Egress windows.**

1398 (1) As used in this section:

1399 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

1400 (i) within a primary dwelling;

1401 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the  
1402 time the internal accessory dwelling unit is created; and

1403 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

1404 (b) "Primary dwelling" means a single-family dwelling that:

1405 (i) is detached; and

1406 (ii) is occupied as the primary residence of the owner of record.

1407 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

1408 (2) A county ordinance adopted under Section 10-1-203.5 may not:

1409 (a) require physical changes in a structure with a legal nonconforming rental dwelling  
1410 use unless the change is for:

1411 (i) the reasonable installation of:

1412 (A) a smoke detector that is plugged in or battery operated;

1413 (B) a ground fault circuit interrupter protected outlet on existing wiring;

1414 (C) street addressing;

1415 (D) except as provided in Subsection (3), an egress bedroom window if the existing  
1416 bedroom window is smaller than that required by current State Construction Code;

1417 (E) an electrical system or a plumbing system, if the existing system is not functioning  
1418 or is unsafe as determined by an independent electrical or plumbing professional who is  
1419 licensed in accordance with Title 58, Occupations and Professions;

1420 (F) hand or guard rails; or

1421 (G) occupancy separation doors as required by the International Residential Code; or

1422 (ii) the abatement of a structure; or

- 1423 (b) be enforced to terminate a legal nonconforming rental dwelling use.
- 1424 (3) (a) A county may not require physical changes to install an egress or emergency
- 1425 escape window in an existing bedroom that complied with the State Construction Code in
- 1426 effect at the time the bedroom was finished if:
  - 1427 (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:
    - 1428 (A) a detached one-, two-, three-, or four-family dwelling; or
    - 1429 (B) a town home that is not more than three stories above grade with a separate means
    - 1430 of egress; and
    - 1431 (ii) (A) the window in the existing bedroom is smaller than that required by current
    - 1432 State Construction Code; and
    - 1433 (B) the change would compromise the structural integrity of the structure or could not
    - 1434 be completed in accordance with current State Construction Code, including set-back and
    - 1435 window well requirements.
  - 1436 (b) Subject to Section 17-27a-526, Subsection (3)(a) [~~does not apply~~] applies only to an
  - 1437 internal accessory dwelling unit constructed before October 1, 2021.
  - 1438 (4) Nothing in this section prohibits a county from:
    - 1439 (a) regulating the style of window that is required or allowed in a bedroom;
    - 1440 (b) requiring that a window in an existing bedroom be fully openable if the openable
    - 1441 area is less than required by current State Construction Code; or
    - 1442 (c) requiring that an existing window not be reduced in size if the openable area is
    - 1443 smaller than required by current State Construction Code.
- 1444 Section 14. Section **17-27a-526** is amended to read:
  - 1445 **17-27a-526. Internal accessory dwelling units.**
    - 1446 (1) As used in this section:
      - 1447 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
        - 1448 (i) within a primary dwelling;
        - 1449 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
        - 1450 time the internal accessory dwelling unit is created; and
        - 1451 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
      - 1452 (b) "Primary dwelling" means a single-family dwelling that:
        - 1453 (i) is detached; and

1454 (ii) is occupied as the primary residence of the owner of record.  
1455 (2) In any area zoned primarily for residential use:  
1456 (a) the use of an internal accessory dwelling unit is a permitted use; and  
1457 (b) except as provided in Subsections (3) and (4), a county may not establish any  
1458 restrictions or requirements for the construction or use of one internal accessory dwelling unit  
1459 within a primary dwelling, including a restriction or requirement governing:  
1460 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;  
1461 (ii) total lot size; or  
1462 (iii) street frontage.  
1463 (3) (a) This Subsection (3) applies only to an internal accessory dwelling unit created  
1464 on or after October 1, 2021.  
1465 ~~[(3)]~~ (b) An internal accessory dwelling unit shall comply with all applicable building,  
1466 health, and fire codes.  
1467 (c) A county shall require the owner of a primary dwelling to:  
1468 (i) obtain a permit or license for renting an internal accessory dwelling unit; or  
1469 (ii) obtain a building permit for constructing an internal accessory dwelling unit.  
1470 ~~[(4)]~~ (d) A county may:  
1471 ~~[(a)]~~ (i) prohibit the installation of a separate utility meter for an internal accessory  
1472 dwelling unit;  
1473 ~~[(b)]~~ (ii) require that an internal accessory dwelling unit be designed in a manner that  
1474 does not change the appearance of the primary dwelling as a single-family dwelling;  
1475 ~~[(c)]~~ (iii) require a primary dwelling:  
1476 ~~[(i)]~~ (A) to include one additional on-site parking space for an internal accessory  
1477 dwelling unit, regardless of whether the primary dwelling is existing or new construction; and  
1478 ~~[(ii)]~~ (B) to replace any parking spaces contained within a garage or carport if an  
1479 internal accessory dwelling unit is created within the garage or carport;  
1480 ~~[(d)]~~ (iv) prohibit the creation of an internal accessory dwelling unit within a mobile  
1481 home as defined in Section 57-16-3;  
1482 ~~[(e)] require the owner of a primary dwelling to obtain a permit or license for renting an~~  
1483 ~~internal accessory dwelling unit;~~  
1484 ~~[(f)]~~ (v) prohibit the creation of an internal accessory dwelling unit within a zoning



1485 district covering an area that is equivalent to 25% or less of the total unincorporated area in the  
1486 county that is zoned primarily for residential use;

1487 ~~[(g)]~~ (vi) prohibit the creation of an internal accessory dwelling unit if the primary  
1488 dwelling is served by a failing septic tank;

1489 ~~[(h)]~~ (vii) prohibit the creation of an internal accessory dwelling unit if the lot  
1490 containing the primary dwelling is 6,000 square feet or less in size;

1491 ~~[(i)]~~ (viii) prohibit the rental or offering the rental of an internal accessory dwelling  
1492 unit for a period of less than 30 consecutive days;

1493 ~~[(j)]~~ (ix) prohibit the rental of an internal accessory dwelling unit if the internal  
1494 accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary  
1495 residence;

1496 ~~[(k)]~~ (x) hold a lien against a property that contains an internal accessory dwelling unit  
1497 in accordance with Subsection (5); and

1498 ~~[(l)]~~ (xi) record a notice for an internal accessory dwelling unit in accordance with  
1499 Subsection (6).

1500 (4) (a) This Subsection (4) applies only to an internal accessory dwelling unit  
1501 constructed before October 1, 2021.

1502 (b) A county shall require the owner of a primary dwelling to obtain a permit or license  
1503 for renting an internal accessory dwelling unit.

1504 (c) In accordance with Section 17-27a-510.5, a county may require the owner of a  
1505 primary dwelling to:

1506 (i) install a smoke detector within an internal accessory dwelling unit that is plugged in  
1507 or battery operated; and

1508 (ii) by no later than May 4, 2025, install an egress bedroom window within an internal  
1509 accessory dwelling unit if the existing bedroom window is smaller than that required by current  
1510 State Construction Code.

1511 (5) (a) In addition to any other legal or equitable remedies available to a county, a  
1512 county may hold a lien against a property that contains an internal accessory dwelling unit if:

1513 (i) the owner of the property violates any of the provisions of this section or any  
1514 ordinance adopted under Subsection (3) or (4);

1515 (ii) the county provides a written notice of violation in accordance with Subsection

- 1516 (5)(b);
- 1517       (iii) the county holds a hearing and determines that the violation has occurred in
- 1518 accordance with Subsection (5)(d), if the owner files a written objection in accordance with
- 1519 Subsection (5)(b)(iv);
- 1520       (iv) the owner fails to cure the violation within the time period prescribed in the
- 1521 written notice of violation under Subsection (5)(b);
- 1522       (v) the county provides a written notice of lien in accordance with Subsection (5)(c);
- 1523 and
- 1524       (vi) the county records a copy of the written notice of lien described in Subsection
- 1525 (5)(a)(iv) with the county recorder of the county in which the property is located.
- 1526       (b) The written notice of violation shall:
- 1527           (i) describe the specific violation;
- 1528           (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
- 1529 to cure the violation that is:
- 1530           (A) no less than 14 days after the day on which the county sends the written notice of
- 1531 violation, if the violation results from the owner renting or offering to rent the internal
- 1532 accessory dwelling unit for a period of less than 30 consecutive days; or
- 1533           (B) no less than 30 days after the day on which the county sends the written notice of
- 1534 violation, for any other violation; and
- 1535           (iii) state that if the owner of the property fails to cure the violation within the time
- 1536 period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an
- 1537 amount of up to \$100 for each day of violation after the day on which the opportunity to cure
- 1538 the violation expires;
- 1539           (iv) notify the owner of the property:
- 1540           (A) that the owner may file a written objection to the violation within 14 days after the
- 1541 day on which the written notice of violation is post-marked or posted on the property; and
- 1542           (B) of the name and address of the county office where the owner may file the written
- 1543 objection;
- 1544           (v) be mailed to:
- 1545           (A) the property's owner of record; and
- 1546           (B) any other individual designated to receive notice in the owner's license or permit

- 1547 records; and
- 1548 (vi) be posted on the property.
- 1549 (c) The written notice of lien shall:
- 1550 (i) comply with the requirements of Section 38-12-102;
- 1551 (ii) describe the specific violation;
- 1552 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
- 1553 the day on which the opportunity to cure the violation expires;
- 1554 (iv) be mailed to:
- 1555 (A) the property's owner of record; and
- 1556 (B) any other individual designated to receive notice in the owner's license or permit
- 1557 records; and
- 1558 (v) be posted on the property.
- 1559 (d) (i) If an owner of property files a written objection in accordance with Subsection
- 1560 (5)(b)(iv), the county shall:
- 1561 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
- 1562 Act, to conduct a review and determine whether the specific violation described in the written
- 1563 notice of violation under Subsection (5)(b) has occurred; and
- 1564 (B) notify the owner in writing of the date, time, and location of the hearing described
- 1565 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
- 1566 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
- 1567 county may not record a lien under this Subsection (5) until the county holds a hearing and
- 1568 determines that the specific violation has occurred.
- 1569 (iii) If the county determines at the hearing that the specific violation has occurred, the
- 1570 county may impose a lien in an amount of up to \$100 for each day of violation after the day on
- 1571 which the opportunity to cure the violation expires, regardless of whether the hearing is held
- 1572 after the day on which the opportunity to cure the violation has expired.
- 1573 (e) If an owner cures a violation within the time period prescribed in the written notice
- 1574 of violation under Subsection (5)(b), the county may not hold a lien against the property, or
- 1575 impose any penalty or fee on the owner, in relation to the specific violation described in the
- 1576 written notice of violation under Subsection (5)(b).
- 1577 (6) (a) A county that issues, on or after October 1, 2021, a permit or license to an

1578 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to  
1579 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a  
1580 notice in the office of the recorder of the county in which the primary dwelling is located.

1581 (b) The notice described in Subsection (6)(a) shall include:

1582 (i) a description of the primary dwelling;

1583 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

1584 and

1585 (iii) a statement that the internal accessory dwelling unit may only be used in

1586 accordance with the county's land use regulations.

1587 (c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a  
1588 copy of the notice to the owner of the internal accessory dwelling unit.

1589 Section 15. Section **35A-8-101** is amended to read:

1590 **35A-8-101. Definitions.**

1591 As used in this chapter:

1592 (1) "Accessible housing" means housing which has been constructed or modified to be  
1593 accessible, as described in the State Construction Code or an approved code under Title 15A,  
1594 State Construction and Fire Codes Act.

1595 (2) "Director" means the director of the division.

1596 (3) "Division" means the Housing and Community Development Division.

1597 (4) "Moderate income housing" means housing occupied or reserved for occupancy by  
1598 households with a gross household income equal to or less than 80% of the median gross  
1599 income for households of the same size in the county in which the housing is located.

1600 (5) "Moderate income housing unit" means a housing unit that qualifies as moderate  
1601 income housing.

1602 Section 16. Section **35A-8-503** is amended to read:

1603 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1604 (1) There is created the Olene Walker Housing Loan Fund Board.

1605 (2) The board is composed of [++] 13 voting members.

1606 (a) The governor shall appoint the following members to four-year terms:

1607 (i) two members from local governments[;], of which:

1608 (A) one member shall be a locally elected official who resides in a county of the first or

1609 second class; and  
1610 (B) one member shall be a locally elected official who resides in a county of the third,  
1611 fourth, fifth, or sixth class;  
1612 (ii) two members from the mortgage lending community[;], of which:  
1613 (A) one member shall have expertise in single-family mortgage lending; and  
1614 (B) one member shall have expertise in multi-family mortgage lending;  
1615 (iii) one member from real estate sales interests;  
1616 (iv) [~~one member~~] two members from home builders interests[;], of which:  
1617 (A) one member shall have expertise in single-family residential construction; and  
1618 (B) one member shall have expertise in multi-family residential construction;  
1619 (v) one member from rental housing interests;  
1620 (vi) [~~one member~~] two members from housing advocacy interests[;], of which:  
1621 (A) one member who resides within any area in a county of the first or second class;  
1622 and  
1623 (B) one member who resides within any area in a county of the third, fourth, fifth, or  
1624 sixth class;  
1625 (vii) one member of the manufactured housing interest;  
1626 (viii) one member with expertise in transit-oriented developments; and  
1627 (ix) one member who represents rural interests.  
1628 (b) The director or the director's designee serves as the secretary of the board.  
1629 (c) The members of the board shall annually elect a chair from among the voting  
1630 membership of the board.  
1631 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the  
1632 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1633 board members are staggered so that approximately half of the board is appointed every two  
1634 years.  
1635 (b) When a vacancy occurs in the membership for any reason, the replacement is  
1636 appointed for the unexpired term.  
1637 (4) (a) The board shall:  
1638 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by  
1639 the board;

1640 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to  
1641 provide information to and receive input from the public regarding the state's housing policies  
1642 and needs;

1643 (iii) keep minutes of its meetings; and

1644 (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open and  
1645 Public Meetings Act.

1646 (b) [~~Six~~] Seven members of the board constitute a quorum, and the governor, the chair,  
1647 or a majority of the board may call a meeting of the board.

1648 (5) The board shall:

1649 (a) review the housing needs in the state;

1650 (b) determine the relevant operational aspects of any grant, loan, or revenue collection  
1651 program established under the authority of this chapter;

1652 (c) determine the means to implement the policies and goals of this chapter;

1653 (d) select specific projects to receive grant or loan money; and

1654 (e) determine how fund money shall be allocated and distributed.

1655 (6) A member may not receive compensation or benefits for the member's service, but  
1656 may receive per diem and travel expenses in accordance with:

1657 (a) Section [63A-3-106](#);

1658 (b) Section [63A-3-107](#); and

1659 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1660 [63A-3-107](#).

1661 Section 17. Section **35A-8-504** is amended to read:

1662 **35A-8-504. Distribution of fund money.**

1663 (1) As used in this section:

1664 (a) "Community" means the same as that term is defined in Section [17C-1-102](#).

1665 (b) "Income targeted housing" means the same as that term is defined in Section  
1666 [17C-1-102](#).

1667 ~~(1)~~ (2) The executive director shall:

1668 (a) make grants and loans from the fund for any of the activities authorized by Section  
1669 [35A-8-505](#), as directed by the board;

1670 (b) establish the criteria with the approval of the board by which loans and grants will

1671 be made; and

1672 (c) determine with the approval of the board the order in which projects will be funded.

1673 ~~[(2)]~~ (3) The executive director shall distribute, as directed by the board, any federal  
1674 money contained in the fund according to the procedures, conditions, and restrictions placed  
1675 upon the use of the money by the federal government.

1676 ~~[(3)(a)]~~ (4) The executive director shall distribute, as directed by the board, any funds  
1677 received under Section 17C-1-412 to pay the costs of providing income targeted housing within  
1678 the community that created the community reinvestment agency under Title 17C, Limited  
1679 Purpose Local Government Entities - Community Reinvestment Agency Act.

1680 ~~[(b) As used in Subsection (3)(a):]~~

1681 ~~[(i) "Community" means the same as that term is defined in Section 17C-1-102.]~~

1682 ~~[(ii) "Income targeted housing" means the same as that term is defined in Section~~  
1683 ~~17C-1-102.]~~

1684 ~~[(4)]~~ (5) Except for federal money, money received under Section 17C-1-412, and  
1685 money appropriated for use in accordance with Section 35A-8-2105, the executive director  
1686 shall distribute, as directed by the board, money in the fund according to the following  
1687 requirements:

1688 ~~[(a) the executive director shall distribute at least 30% of the money in the fund to rural~~  
1689 ~~areas of the state;]~~

1690 ~~[(b)]~~ (a) the executive director shall distribute at least 70% of the money in the fund to  
1691 benefit persons whose annual income is at or below 50% of the median family income for the  
1692 state;

1693 ~~[(c)]~~ (b) the executive director may ~~[not use more than]~~ use up to 3% of the revenues of  
1694 the fund, including any appropriation to the fund to offset department or board administrative  
1695 expenses;

1696 ~~[(d)]~~ (c) the executive director shall distribute any remaining money in the fund to  
1697 benefit persons whose annual income is at or below 80% of the median family income for the  
1698 state; and

1699 ~~[(e)]~~ (d) if the executive director or the executive director's designee makes a loan in  
1700 accordance with this section, the interest rate of the loan shall be based on the borrower's  
1701 ability to pay.

1702 ~~[(5)]~~ (6) The executive director may, with the approval of the board:

1703 (a) enact rules to establish procedures for the grant and loan process by following the  
1704 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
1705 and

1706 (b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the  
1707 servicing of loans made by the fund.

1708 Section 18. Section **35A-8-507.5** is amended to read:

1709 **35A-8-507.5. Predevelopment grants.**

1710 ~~[(1) The executive director under the direction of the board may:]~~

1711 ~~[(a) award one or more predevelopment grants to nonprofit or for-profit entities in  
1712 preparation for the construction of low-income housing units;]~~

1713 ~~[(b) award a predevelopment grant in an amount of no more than \$50,000 per project;]~~

1714 ~~[(c) may only award a predevelopment grant in relation to a project in:]~~

1715 ~~[(i) a city of the fifth or sixth class, or a town, in a rural area of the state; or]~~

1716 ~~[(ii) any municipality or unincorporated area in a county of the fourth, fifth, or sixth  
1717 class;]~~

1718 (1) The executive director may, under the direction of the board, award one or more  
1719 predevelopment grants to a nonprofit or for-profit entity:

1720 (a) in preparation for a project that:

1721 (i) involves the construction of moderate income housing units; and

1722 (ii) is located within:

1723 (A) a city of the fifth or sixth class, or a town, in a rural area of the state; or

1724 (B) any municipality or unincorporated area in a county of the fourth, fifth, or sixth  
1725 class; and

1726 (b) in an amount of no more than \$50,000 per project.

1727 (2) The executive director shall, under the direction of the board ~~[shall]~~, award each  
1728 predevelopment grant in accordance with the provisions of this section and the provisions  
1729 related to grant applications, grant awards, and reporting requirements in this part.

1730 (3) ~~[A]~~ The recipient of a predevelopment grant:

1731 (a) may ~~[be used by a recipient for offsetting]~~ use grant funds to offset the  
1732 predevelopment funds needed to prepare for the construction of low-income housing units,



1733 including market studies, surveys, environmental and impact studies, technical assistance, and  
 1734 preliminary architecture, engineering, or legal work; and

1735 (b) may not ~~[be used by a recipient]~~ use grant funds to pay for staff salaries ~~[of a grant~~  
 1736 recipient] or construction costs.

1737 (4) The executive director shall, under the direction of the board ~~[shall]~~, prioritize the  
 1738 awarding of a predevelopment grant for a project ~~[in]~~ that is located within:

1739 (a) a county of the fifth or sixth class ~~[and where the municipality or unincorporated];~~  
 1740 and

1741 (b) an area that has underdeveloped infrastructure, as demonstrated by at least two of  
 1742 the following:

1743 ~~[(a)]~~ (i) limited or no availability of natural gas;

1744 ~~[(b)]~~ (ii) limited or no availability of a sewer system;

1745 ~~[(c)]~~ (iii) limited or no availability of broadband Internet;

1746 ~~[(d)]~~ (iv) unpaved residential streets; or

1747 ~~[(e)]~~ (v) limited local construction professionals, vendors, or services.

1748 Section 19. Section **35A-8-508** is amended to read:

1749 **35A-8-508. Annual accounting.**

1750 (1) The executive director shall monitor the activities of recipients of grants and loans  
 1751 issued under this part on a yearly basis to ensure compliance with the terms and conditions  
 1752 imposed on the recipient by the executive director with the approval of the board or by this  
 1753 part.

1754 (2) ~~[An]~~ Beginning July 1, 2021, an entity that receives ~~[a grant or loan]~~ any money  
 1755 from the fund under this part shall provide the executive director with an annual accounting of  
 1756 how the money the entity received from the fund has been spent.

1757 (3) The executive director shall make an annual report to the board accounting for the  
 1758 expenditures authorized by the board.

1759 (4) The board shall submit a report to the department for inclusion in the annual  
 1760 written report described in Section **35A-1-109**:

1761 (a) accounting for expenditures authorized by the board; and

1762 (b) evaluating the effectiveness of the program.

1763 Section 20. Section **35A-8-509** is amended to read:

1764 **35A-8-509. Economic Revitalization and Investment Fund.**

1765 (1) There is created an enterprise fund known as the "Economic Revitalization and  
1766 Investment Fund."

1767 (2) The Economic Revitalization and Investment Fund consists of money from the  
1768 following:

1769 (a) money appropriated to the account by the Legislature;

1770 (b) private contributions;

1771 (c) donations or grants from public or private entities; and

1772 (d) money returned to the department under [~~Section 35A-8-512~~] Subsection  
1773 35A-8-512(3)(a).

1774 (3) The Economic Revitalization and Investment Fund shall earn interest, which shall  
1775 be deposited into the Economic Revitalization and Investment Fund.

1776 (4) The executive director may distribute money from the Economic Revitalization and  
1777 Investment Fund to one or more projects that:

1778 (a) include affordable housing units for households[~~:(i)~~] whose income is no more  
1779 than 30% of the area median income for households of the same size in the county or  
1780 municipality where the project is located; and

1781 [~~(ii) at rental rates no greater than the rates described in Subsection 35A-8-511(2)(b);~~  
1782 ~~and]~~

1783 (b) have been approved by the board in accordance with Section 35A-8-510.

1784 (5) (a) A housing sponsor may apply to the department to receive a distribution in  
1785 accordance with Subsection (4).

1786 (b) The application shall include:

1787 (i) the location of the project;

1788 (ii) the number, size, and tenant income requirements of affordable housing units  
1789 described in Subsection (4)(a) that will be included in the project; and

1790 (iii) a written commitment to enter into a deed restriction that reserves for a period of  
1791 30 years the affordable housing units described in Subsection (5)(b)(ii) or their equivalent for  
1792 occupancy by households that meet the income requirements described in Subsection (5)(b)(ii).

1793 (c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit  
1794 is:

1795 (i) (A) occupied or reserved for occupancy by a household whose income is no more  
 1796 than 30% of the area median income for households of the same size in the county or  
 1797 municipality where the project is located; or

1798 (B) occupied by a household whose income is no more than 60% of the area median  
 1799 income for households of the same size in the county or municipality where the project is  
 1800 located if that household met the income requirement described in Subsection (4)(a) when the  
 1801 household originally entered into the lease agreement for the housing unit; and

1802 (ii) rented at a rate no greater than the rate described in Subsection [35A-8-511\(2\)\(b\)](#).

1803 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 1804 department may make additional rules providing procedures for a person to apply to the  
 1805 department to receive a distribution described in Subsection (4).

1806 (6) The executive director may expend up to 3% of the revenues of the Economic  
 1807 Revitalization and Investment Fund, including any appropriation to the Economic  
 1808 Revitalization and Investment Fund, to offset department or board administrative expenses.

1809 Section 21. Section [35A-8-509.5](#) is enacted to read:

1810 **[35A-8-509.5. Rural Housing Fund.](#)**

1811 (1) There is created an enterprise fund known as the "Rural Housing Fund."

1812 (2) The Rural Housing Fund consists of money from the following:

1813 (a) money appropriated to the account by the Legislature;

1814 (b) private contributions;

1815 (c) donations or grants from public or private entities; and

1816 (d) money returned to the department under Subsection [35A-8-512\(3\)\(b\)](#).

1817 (3) The Rural Housing Fund shall earn interest, which shall be deposited into the Rural  
 1818 Housing Fund.

1819 (4) Subject to appropriation, the executive director may expend funds in the Rural  
 1820 Housing Fund to provide loans for projects that:

1821 (a) are located within:

1822 (i) a county of the third, fourth, fifth, or sixth class; or

1823 (ii) a municipality in a county of the second class with a population of 10,000 or less;

1824 (b) include moderate income housing units; and

1825 (c) have been approved by the board in accordance with Section [35A-8-510](#).

1826 (5) (a) A housing sponsor may apply to the department to receive a loan under this  
1827 section.

1828 (b) An application under Subsection (5)(a) shall specify:

1829 (i) the location of the project;

1830 (ii) the number, size, and income requirements of moderate income housing units that  
1831 will be included in the project; and

1832 (iii) a written commitment to enter into a deed restriction that reserves for a period of  
1833 50 years the moderate income housing units described in Subsection (5)(b)(ii).

1834 (c) A commitment under Subsection (5)(b)(iii) shall be considered satisfied if a  
1835 housing unit is occupied by a household that met the income requirement for moderate income  
1836 housing when the household originally entered into the lease agreement for the housing unit.

1837 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1838 department may make rules establishing procedures and requirements for housing sponsors to  
1839 apply for and receive loans under this section.

1840 (6) The executive director may expend up to 3% of the revenues of the Rural Housing  
1841 Fund, including any appropriation to the Rural Housing Fund, to offset department or board  
1842 administrative expenses.

1843 Section 22. Section **35A-8-510** is amended to read:

1844 **35A-8-510. Housing loan fund board approval.**

1845 (1) The board shall review the project applications described in [Subsection]

1846 Subsections [35A-8-509\(5\)](#) and [35A-8-509.5\(5\)](#).

1847 (2) (a) The board may approve a project that meets the requirements of Subsections  
1848 [35A-8-509\(4\)](#) and (5) to receive funds from the Economic Revitalization and Investment Fund.

1849 (b) The board may approve a project that meets the requirements of Subsections  
1850 [35A-8-509.5\(4\)](#) and (5) to receive funds from the Rural Housing Fund.

1851 (3) The board shall give preference to projects:

1852 (a) that include significant additional or matching funds from an individual, private  
1853 organization, or local government entity;

1854 (b) that include significant contributions by the applicant to total project costs,  
1855 including contributions secured by the applicant from other sources such as professional, craft,  
1856 and trade services and lender interest rate subsidies;

1857 (c) with significant local government contributions in the form of infrastructure,  
1858 improvements, or other assistance;

1859 (d) where the applicant has demonstrated the ability, stability, and resources to  
1860 complete the project;

1861 (e) that will serve the greatest need;

1862 (f) that promote economic development benefits;

1863 (g) that allow integration into a local government housing plan;

1864 (h) that would mitigate or correct existing health, safety, or welfare concerns; or

1865 (i) that remedy a gap in the supply of and demand for affordable housing.

1866 Section 23. Section **35A-8-511** is amended to read:

1867 **35A-8-511. Activities authorized to receive account money.**

1868 [(†)] The executive director may distribute funds from the Economic Revitalization  
1869 and Investment Fund and the Rural Housing Fund for any of the following activities  
1870 undertaken as part of an approved project:

1871 [(a)] (1) the acquisition, rehabilitation, or new construction of a building that includes  
1872 [~~affordable~~] moderate income housing units;

1873 [(b)] (2) the purchase of land for the construction of a building that will include  
1874 [~~affordable~~] moderate income housing units; or

1875 [(c)] (3) pre-development work, including planning, studies, design, and site work for a  
1876 building that will include [~~affordable~~] moderate income housing units.

1877 [(2) The maximum amount of money that may be distributed from the Economic  
1878 Revitalization and Investment Fund for each affordable housing unit that has been committed  
1879 in accordance with Subsection ~~35A-8-509(5)(b)(iii)~~ is the present value, based on the current  
1880 market interest rate as determined by the board for a multi-family mortgage loan in the county  
1881 or metropolitan area where the project is located, of 360 monthly payments equal to the  
1882 difference between:]

1883 [(a) the most recent United States Department of Housing and Urban Development fair  
1884 market rent for a unit of the same size in the county or metropolitan area where the project is  
1885 located; and]

1886 [(b) an affordable rent equal to 30% of the income requirement described in Subsection  
1887 ~~35A-8-509(5)(b)(ii)~~ for a household of:]

- 1888           ~~[(i) one person if the unit is an efficiency unit;]~~  
1889           ~~[(ii) two people if the unit is a one-bedroom unit;]~~  
1890           ~~[(iii) four people if the unit is a two-bedroom unit;]~~  
1891           ~~[(iv) five people if the unit is a three-bedroom unit;]~~  
1892           ~~[(v) six people if the unit is a four-bedroom unit; or]~~  
1893           ~~[(vi) eight people if the unit is a five-bedroom or larger unit.]~~

1894           Section 24. Section **35A-8-512** is amended to read:

1895           **35A-8-512. Repayment of funds.**

1896           (1) Upon the earlier of 30 years from the date an approved project is placed in service  
1897 or the sale or transfer of the affordable housing units acquired, constructed, or rehabilitated as  
1898 part of an approved project funded under ~~[Section 35A-8-511]~~ Subsection 35A-8-511(1), the  
1899 housing sponsor shall remit to the department:

1900           (a) the total amount of money distributed by the department to the housing sponsor for  
1901 the project; and

1902           (b) an additional amount of money determined by contract with the department prior to  
1903 the initial disbursement of money ~~[from the Economic Revitalization and Investment Fund]~~.

1904           (2) Any claim arising under Subsection (1) is a lien against the real property funded  
1905 under this chapter.

1906           (3) (a) Any money returned to the department under Subsection (1) from a housing  
1907 sponsor that received funds from the Economic Revitalization and Investment Fund shall be  
1908 deposited in the Economic Revitalization and Investment Fund.

1909           (b) Any money returned to the department under Subsection (1) from a housing  
1910 sponsor that received funds from the Rural Housing Fund shall be deposited in the Rural  
1911 Housing Fund.

1912           Section 25. Section **35A-8-513** is amended to read:

1913           **35A-8-513. Annual accounting.**

1914           (1) The executive director shall monitor the activities of recipients of funds from the  
1915 Economic Revitalization and Investment Fund and the Rural Housing Fund on a yearly basis to  
1916 ensure compliance with the terms and conditions imposed on the recipient by the executive  
1917 director with the approval of the board.

1918           (2) (a) A housing sponsor that receives funds from the Economic Revitalization and

1919 Investment Fund shall provide the executive director with an annual accounting of how the  
 1920 money the entity received from the Economic Revitalization and Investment Fund has been  
 1921 spent and evidence that the commitment described in Subsection [35A-8-509\(5\)](#) has been met.

1922 (b) A housing sponsor that receives funds from the Rural Housing Fund shall provide  
 1923 the executive director with an annual accounting of how the money the entity received from the  
 1924 Rural Housing Fund has been spent and evidence that the commitment described in Subsection  
 1925 [35A-8-509.5\(5\)](#) has been met.

1926 (3) The executive director shall make an annual report to the board accounting for the  
 1927 expenditures authorized by the board under the Economic Revitalization and Investment Fund  
 1928 and the Rural Housing Fund.

1929 (4) The board shall submit a report to the department for inclusion in the annual  
 1930 written report described in Section [35A-1-109](#) that includes:

- 1931 (a) an accounting for expenditures authorized by the board; and  
 1932 (b) an evaluation of the effectiveness of ~~[the]~~ each program.

1933 Section 26. Section **35A-8-803** is amended to read:

1934 **35A-8-803. Division -- Functions.**

1935 (1) In addition to any other functions the governor or Legislature may assign:

1936 (a) the division shall:

1937 (i) provide a clearinghouse of information for federal, state, and local housing  
 1938 assistance programs;

1939 (ii) establish, in cooperation with political subdivisions, model plans and management  
 1940 methods to encourage or provide for the development of affordable housing that may be  
 1941 adopted by political subdivisions by reference;

1942 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of  
 1943 problems relating to housing needs, such as:

1944 (A) inadequate supply of dwellings;

1945 (B) substandard dwellings; and

1946 (C) inability of medium and low income families to obtain adequate housing;

1947 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

1948 (A) political subdivisions;

1949 (B) real estate developers;

1950 (C) builders;

1951 (D) lending institutions;

1952 (E) affordable housing advocates; and

1953 (F) others having use for the information;

1954 (v) advise political subdivisions of serious housing problems existing within their

1955 jurisdiction that require concerted public action for solution;

1956 (vi) assist political subdivisions in defining housing objectives and in preparing for

1957 adoption a plan of action covering a five-year period designed to accomplish housing

1958 objectives within their jurisdiction; [~~and~~]

1959 (vii) for municipalities or counties required to submit an annual moderate income

1960 housing report to the department as described in Section [10-9a-408](#) or [17-27a-408](#):

1961 (A) assist in the creation of the reports; and

1962 [~~(B) evaluate the reports for the purposes of Subsections [72-2-124](#)(5) and (6); and]~~

1963 (B) review the reports to meet the requirements of Sections [10-9a-408](#) and [17-27a-408](#);

1964 (viii) establish and maintain a database of moderate income housing units located

1965 within the state; and

1966 (ix) on or before December 1, 2022, develop and submit to the Commission on

1967 Housing Affordability a methodology for determining whether a municipality or county is

1968 taking sufficient measures to protect and promote moderate income housing in accordance with

1969 the provisions of Sections [10-9a-403](#) and [17-27a-403](#); and

1970 (b) within legislative appropriations, the division may accept for and on behalf of, and

1971 bind the state to, any federal housing or homeless program in which the state is invited,

1972 permitted, or authorized to participate in the distribution, disbursement, or administration of

1973 any funds or service advanced, offered, or contributed in whole or in part by the federal

1974 government.

1975 (2) The administration of any federal housing program in which the state is invited,

1976 permitted, or authorized to participate in distribution, disbursement, or administration of funds

1977 or services, except those administered by the Utah Housing Corporation, is governed by

1978 Sections [35A-8-501](#) through [35A-8-508](#).

1979 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1980 department shall make rules describing the [~~evaluation~~] review process for moderate income



1981 housing reports described in Subsection (1)(a)(vii).

1982 Section 27. Section **35A-8-2105** is amended to read:

1983 **35A-8-2105. Allocation of volume cap.**

1984 (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed  
1985 by the board of review to the allotment accounts as described in Section **35A-8-2106**.

1986 (b) The board of review may distribute up to 50% of each increase in the volume cap  
1987 for use in development that occurs in quality growth areas, depending upon the board's analysis  
1988 of the relative need for additional volume cap between development in quality growth areas  
1989 and the allotment accounts under Section **35A-8-2106**.

1990 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the  
1991 board of review an application containing information required by the procedures and  
1992 processes of the board of review.

1993 (3) (a) The board of review shall establish criteria for making allocations of volume  
1994 cap that are consistent with the purposes of the code and this part.

1995 (b) In making an allocation of volume cap the board of review shall consider the  
1996 following:

1997 (i) the principal amount of the bonds proposed to be issued;

1998 (ii) the nature and the location of the project or the type of program;

1999 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

2000 (iv) whether the project or program could obtain adequate financing without an  
2001 allocation of volume cap;

2002 (v) the degree to which an allocation of volume cap is required for the project or  
2003 program to proceed or continue;

2004 (vi) the social, health, economic, and educational effects of the project or program on  
2005 the local community and state as a whole;

2006 (vii) the anticipated economic development created or retained within the local  
2007 community and the state as a whole;

2008 (viii) the anticipated number of jobs, both temporary and permanent, created or  
2009 retained within the local community and the state as a whole;

2010 (ix) if the project is a residential rental project, the degree to which the residential  
2011 rental project:

2012 (A) targets lower income populations; and  
2013 (B) is accessible housing; and  
2014 (x) whether the project meets the principles of quality growth recommended by the  
2015 Quality Growth Commission created in Section [11-38-201](#).  
2016 (4) The board of review shall provide evidence of an allocation of volume cap by  
2017 issuing a certificate in accordance with Section [35A-8-2107](#).  
2018 (5) (a) [~~From~~] Subject to Subsection (5)(c), from January 1 to June 30 of each year, the  
2019 board of review shall set aside at least 50% of the Small Issue Bond Account that may only be  
2020 allocated to manufacturing projects.  
2021 (b) [~~From~~] Subject to Subsection (5)(c), from July 1 to August 15 of each year, the  
2022 board of review shall set aside at least 50% of the Pool Account that may only be allocated to  
2023 manufacturing projects.  
2024 (c) The board of review is not required to set aside any unused volume cap under  
2025 Subsection [35A-8-2106\(2\)\(c\)](#) to satisfy the requirements of Subsection (5)(a) or (b).  
2026 Section 28. Section **35A-8-2106** is amended to read:  
2027 **35A-8-2106. Allotment accounts.**  
2028 (1) There are created the following allotment accounts:  
2029 (a) the Single Family Housing Account, for which eligible issuing authorities are those  
2030 authorized under the code and state statute to issue qualified mortgage bonds under Section 143  
2031 of the code;  
2032 (b) the Student Loan Account, for which eligible issuing authorities are those  
2033 authorized under the code and state statute to issue qualified student loan bonds under Section  
2034 144(b) of the code;  
2035 (c) the Small Issue Bond Account, for which eligible issuing authorities are those  
2036 authorized under the code and state statute to issue:  
2037 (i) qualified small issue bonds under Section 144(a) of the code;  
2038 (ii) qualified exempt facility bonds for qualified residential rental projects under  
2039 Section 142(d) of the code; or  
2040 (iii) qualified redevelopment bonds under Section 144(c) of the code;  
2041 (d) the Exempt Facilities Account, for which eligible issuing authorities are those  
2042 authorized under the code and state statute to issue any bonds requiring an allocation of volume

2043 cap other than for purposes described in [~~Subsections~~] Subsection (1)(a), (b), or (c);

2044 (e) the Pool Account, for which eligible issuing authorities are those authorized under  
2045 the code and state statute to issue any bonds requiring an allocation of volume cap; and

2046 (f) the Carryforward Account, for which eligible issuing authorities are those with  
2047 projects or programs qualifying under Section 146(f) of the code.

2048 (2) (a) The volume cap shall be distributed to the allotment accounts on January 1 of  
2049 each year on the following basis:

2050 (i) 42% to the Single Family Housing Account;

2051 (ii) 33% to the Student Loan Account;

2052 (iii) 1% to the Exempt Facilities Account; and

2053 (iv) 24% to the Small Issue Bond Account.

2054 (b) From July 1 to September 30 of each year, the board of review may transfer any  
2055 unallocated volume cap from the Exempt Facilities Account or the Small Issue Bond Account  
2056 to the Pool Account.

2057 (c) Upon written notification by the issuing authorities eligible for volume cap  
2058 allocation from the Single Family Housing Account or the Student Loan Account that all or a  
2059 portion of volume cap distributed into that allotment account will not be used, the board of  
2060 review may transfer the unused volume cap [~~between the Single Family Housing Account and~~  
2061 ~~the Student Loan Account~~] to any other allotment account.

2062 (d) From October 1 to the third Friday of December of each year, the board of review  
2063 shall transfer all unallocated volume cap into the Pool Account.

2064 (e) On the third Saturday of December of each year, the board of review shall transfer  
2065 uncollected volume cap, or allocated volume cap for which bonds have not been issued prior to  
2066 the third Saturday of December, into the Carryforward Account.

2067 (f) If the authority to issue bonds designated in any allotment account is rescinded by  
2068 amendment to the code, the board of review may transfer any unallocated volume cap from that  
2069 allotment account to any other allotment account.

2070 Section 29. Section **35A-8-2203** is amended to read:

2071 **35A-8-2203. Duties of the commission.**

2072 (1) The commission's duties include:

2073 (a) increasing public and government awareness and understanding of the housing

2074 affordability needs of the state and how those needs may be most effectively and efficiently  
2075 met, through empirical study and investigation;

2076 (b) identifying and recommending implementation of specific strategies, policies,  
2077 procedures, and programs to address the housing affordability needs of the state;

2078 (c) facilitating the communication and coordination of public and private entities that  
2079 are involved in developing, financing, providing, advocating for, and administering affordable  
2080 housing in the state;

2081 (d) studying, evaluating, and reporting on the status and effectiveness of policies,  
2082 procedures, and programs that address housing affordability in the state;

2083 (e) studying and evaluating the policies, procedures, and programs implemented by  
2084 other states that address housing affordability;

2085 (f) providing a forum for public comment on issues related to housing affordability;

2086 [and]

2087 (g) providing recommendations to the governor and Legislature on strategies, policies,  
2088 procedures, and programs to address the housing affordability needs of the state[-]; and

2089 (h) on or before December 31, 2022, approving the methodology developed by the  
2090 division under Subsection 35A-8-803(1)(a)(ix).

2091 (2) To accomplish its duties, the commission may:

2092 (a) request and receive from a state or local government agency or institution summary  
2093 information relating to housing affordability, including:

2094 (i) reports;

2095 (ii) audits;

2096 (iii) projections; and

2097 (iv) statistics; and

2098 (b) appoint one or more advisory groups to advise and assist the commission.

2099 (3) (a) A member of an advisory group described in Subsection (2)(b):

2100 (i) shall be appointed by the commission;

2101 (ii) may be:

2102 (A) a member of the commission; or

2103 (B) an individual from the private or public sector; and

2104 (iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for

2105 any work done in relation to the advisory group.

2106 (b) An advisory group described in Subsection (2)(b) shall report to the commission on  
2107 the progress of the advisory group.

2108 Section 30. Section **63J-4-802** is amended to read:

2109 **63J-4-802. Creation of COVID-19 Local Assistance Matching Grant Program --**  
2110 **Eligibility -- Duties of the office.**

2111 (1) There is established a grant program known as COVID-19 Local Assistance  
2112 Matching Grant Program that is administered by the office.

2113 (2) The office shall award financial grants to local governments that meet the  
2114 qualifications described in Subsection (3) to provide support for:

2115 (a) projects or services that address the economic impacts of the COVID-19 emergency  
2116 on housing insecurity, lack of affordable housing, or homelessness;

2117 (b) costs incurred in addressing public health challenges resulting from the COVID-19  
2118 emergency;

2119 (c) necessary investments in water and sewer infrastructure; or

2120 (d) any other purpose authorized under the American Rescue Plan Act.

2121 (3) To be eligible for a grant under this part, a local government shall:

2122 (a) provide matching funds in an amount determined by the office; and

2123 (b) certify that the local government will spend grant funds:

2124 (i) on a purpose described in Subsection (2);

2125 (ii) within the time period determined by the office; and

2126 (iii) in accordance with the American Rescue Plan Act.

2127 (4) As soon as is practicable, but on or before September 15, 2021, the office shall,  
2128 with recommendations from the review committee, establish:

2129 (a) procedures for applying for and awarding grants under this part, using an online  
2130 grants management system that:

2131 (i) manages each grant throughout the duration of the grant;

2132 (ii) allows for:

2133 (A) online submission of grant applications; and

2134 (B) auditing and reporting for a local government that receives grant funds; and

2135 (iii) generates reports containing information about each grant;

2136 (b) criteria for awarding grants; and  
 2137 (c) reporting requirements for grant recipients.  
 2138 (5) Subject to appropriation, the office shall award grant funds on a competitive basis  
 2139 until December 31, 2024.

2140 (6) If the office receives a notice of prioritization for a municipality as described in  
 2141 Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
 2142 17-27a-408(5), the office may prioritize the awarding of a financial grant under this section to  
 2143 the municipality or county during the fiscal year specified in the notice.

2144 (7) If the office receives a notice of ineligibility for a municipality as described in  
 2145 Subsection 10-9a-408(7), or a notice of ineligibility for a county as described in Subsection  
 2146 17-27a-408(7), the office may not award a financial grant under this section to the municipality  
 2147 or county during the fiscal year specified in the notice.

2148 [~~6~~] (8) Before November 30 of each year, ending November 30, 2025, the office shall  
 2149 submit a report to the Executive Appropriations Committee that includes:

- 2150 (a) a summary of the procedures, criteria, and requirements established under  
 2151 Subsection (4);
- 2152 (b) a summary of the recommendations of the review committee under Section  
 2153 63J-4-803;
- 2154 (c) the number of applications submitted under the grant program during the previous  
 2155 year;
- 2156 (d) the number of grants awarded under the grant program during the previous year;
- 2157 (e) the aggregate amount of grant funds awarded under the grant program during the  
 2158 previous year; and
- 2159 (f) any other information the office considers relevant to evaluating the success of the  
 2160 grant program.

2161 [~~7~~] (9) The office may use funds appropriated by the Legislature for the grant  
 2162 program to pay for administrative costs.

2163 Section 31. Section 63L-12-101 is enacted to read:

2164 **CHAPTER 12. GRANTING OF REAL PROPERTY FOR MODERATE INCOME**  
 2165 **HOUSING**

2166 **63L-12-101. Definitions.**

2167 As used in this chapter:

2168 (1) "Governmental entity" means:

2169 (a) an agency, as that term is defined in Section [63G-10-102](#);

2170 (b) the School and Institutional Trust Lands Administration created in Section

2171 [53C-1-201](#);

2172 (c) the School and Institutional Trust Lands Board of Trustees created in Section

2173 [53C-1-202](#); or

2174 (d) a political subdivision, as that term is defined in Section [63L-11-102](#).

2175 (2) "Moderate income housing" means housing occupied or reserved for occupancy by

2176 households with a gross household income equal to or less than 80% of the median gross

2177 income for households of the same size in the county in which the housing is located.

2178 (3) "Municipality" means the same as that term is defined in Section [10-1-104](#).

2179 Section 32. Section **63L-12-102**, which is renumbered from Section 10-8-501 is

2180 renumbered and amended to read:

2181 ~~[10-8-501].~~ **63L-12-102. Grant of real property for moderate income housing.**

2182 ~~[(1) As used in this part, "affordable housing unit" means a rental housing unit where a~~

2183 ~~household whose income is no more than 50% of the area median income for households~~

2184 ~~where the housing unit is located is able to occupy the housing unit paying no more than 31%~~

2185 ~~of the household's income for gross housing costs including utilities.]~~

2186 ~~[(2)]~~ (1) Subject to the requirements of this section, ~~[and for a municipality, Subsection~~

2187 ~~[10-8-2\(4\)](#), a political subdivision] a governmental entity~~ may grant real property owned by the

2188 ~~[political subdivision] governmental entity~~ to an entity for the development of ~~[one or more~~

2189 ~~affordable housing units on the real property that will serve households at various income~~

2190 ~~levels whereby at least 20% of the housing units are affordable housing units] moderate income~~

2191 housing on the real property.

2192 ~~[(3) A political subdivision]~~

2193 (2) A governmental entity shall ensure that real property granted ~~[as described in]~~

2194 under Subsection [(2)] (1) is deed restricted for ~~[affordable]~~ moderate income housing for at

2195 least 30 years after the day on which each ~~[affordable]~~ moderate income housing unit is

2196 completed and occupied.

2197 ~~[(4)]~~ (3) If applicable, a ~~[political subdivision]~~ governmental entity granting real

2198 property under this section shall comply with:

2199       (a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain[-];

2200       (b) Subsection 10-8-2(4), if a municipality is granting real property under this section;

2201       (c) Subsection 17-50-312(5), if a county is granting real property under this section;

2202 and

2203       (d) except as provided in Subsection (4), any other applicable provisions of law that  
2204 govern the granting of real property by the governmental entity.

2205       ~~[(5)]~~ (4) A municipality granting real property under this section is not subject to the  
2206 provisions of Subsection 10-8-2(3).

2207       Section 33. Section **72-2-124** is amended to read:

2208       **72-2-124. Transportation Investment Fund of 2005.**

2209       (1) There is created a capital projects fund entitled the Transportation Investment Fund  
2210 of 2005.

2211       (2) The fund consists of money generated from the following sources:

2212       (a) any voluntary contributions received for the maintenance, construction,  
2213 reconstruction, or renovation of state and federal highways;

2214       (b) appropriations made to the fund by the Legislature;

2215       (c) registration fees designated under Section **41-1a-1201**;

2216       (d) the sales and use tax revenues deposited into the fund in accordance with Section  
2217 **59-12-103**; and

2218       (e) revenues transferred to the fund in accordance with Section **72-2-106**.

2219       (3) (a) The fund shall earn interest.

2220       (b) All interest earned on fund money shall be deposited into the fund.

2221       (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
2222 fund money to pay:

2223       (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
2224 federal highways prioritized by the Transportation Commission through the prioritization  
2225 process for new transportation capacity projects adopted under Section **72-1-304**;

2226       (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
2227 projects described in Subsections **63B-18-401**(2), (3), and (4);

2228       (iii) principal, interest, and issuance costs of bonds authorized by Section **63B-18-401**



2229 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
2230 with Subsection 72-2-121(4)(e);

2231 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
2232 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
2233 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
2234 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

2235 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
2236 for projects prioritized in accordance with Section 72-2-125;

2237 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
2238 the Centennial Highway Fund created by Section 72-2-118;

2239 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
2240 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described  
2241 in Section 72-2-121;

2242 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
2243 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved  
2244 nonmotorized transportation for projects that:

2245 (A) mitigate traffic congestion on the state highway system;

2246 (B) are part of an active transportation plan approved by the department; and

2247 (C) are prioritized by the commission through the prioritization process for new  
2248 transportation capacity projects adopted under Section 72-1-304;

2249 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
2250 reconstruction, or renovation of or improvement to the following projects:

2251 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

2252 (B) Geneva Road from University Parkway to 1800 South;

2253 (C) the SR-97 interchange at 5600 South on I-15;

2254 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

2255 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

2256 (F) improvements to 1600 North in Orem from 1200 West to State Street;

2257 (G) widening I-15 between mileposts 6 and 8;

2258 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

2259 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in

2260 Spanish Fork Canyon;

2261 (J) I-15 northbound between mileposts 43 and 56;

2262 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43

2263 and 45.1;

2264 (L) east Zion SR-9 improvements;

2265 (M) Toquerville Parkway;

2266 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

2267 (O) for construction of an interchange on Bangerter Highway at 13400 South; and

2268 (P) an environmental impact study for Kimball Junction in Summit County; and

2269 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project

2270 costs based upon a statement of cash flow that the local jurisdiction where the project is located

2271 provides to the department demonstrating the need for money for the project, for the following

2272 projects in the following amounts:

2273 (A) \$5,000,000 for Payson Main Street repair and replacement;

2274 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

2275 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

2276 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40

2277 between mile markers 7 and 10.

2278 (b) The executive director may use fund money to exchange for an equal or greater

2279 amount of federal transportation funds to be used as provided in Subsection (4)(a).

2280 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of

2281 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director

2282 may not program fund money to a project prioritized by the commission under Section

2283 72-1-304, including fund money from the Transit Transportation Investment Fund, within the

2284 boundaries of [~~a municipality that is required to adopt a moderate income housing plan element~~

2285 ~~as part of the municipality's general plan as described in Subsection 10-9a-401(3)~~, if the

2286 ~~municipality has failed to adopt a moderate income housing plan element as part of the~~

2287 ~~municipality's general plan or has failed to implement the requirements of the moderate income~~

2288 ~~housing plan as determined by the results of the Department of Workforce Service's review of~~

2289 ~~the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii)] the~~

2290 municipality during the fiscal year specified in the notice.

2291 ~~[(b) Within the boundaries of a municipality that is required under Subsection~~  
 2292 ~~10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate~~  
 2293 ~~income housing plan element as part of the municipality's general plan or has failed to~~  
 2294 ~~implement the requirements of the moderate income housing plan as determined by the results~~  
 2295 ~~of the Department of Workforce Service's review of the annual moderate income housing~~  
 2296 ~~report described in Subsection 35A-8-803(1)(a)(vii), the executive director:]~~

2297 (b) Within the boundaries of a municipality described in Subsection (5)(a), the  
 2298 executive director:

2299 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
 2300 facility or interchange connecting limited-access facilities;

2301 (ii) may not program fund money for the construction, reconstruction, or renovation of  
 2302 an interchange on a limited-access facility;

2303 (iii) may program Transit Transportation Investment Fund money for a  
 2304 multi-community fixed guideway public transportation project; and

2305 (iv) may not program Transit Transportation Investment Fund money for the  
 2306 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
 2307 transportation project.

2308 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
 2309 director before ~~[May 1, 2020]~~ July 1, 2022, for projects prioritized by the commission under  
 2310 Section 72-1-304.

2311 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of  
 2312 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may  
 2313 not program fund money to a project prioritized by the commission under Section 72-1-304,  
 2314 including fund money from the Transit Transportation Investment Fund, within the boundaries  
 2315 of the unincorporated area of ~~[a county, if the county is required to adopt a moderate income~~  
 2316 ~~housing plan element as part of the county's general plan as described in Subsection~~  
 2317 ~~17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as~~  
 2318 ~~part of the county's general plan or has failed to implement the requirements of the moderate~~  
 2319 ~~income housing plan as determined by the results of the Department of Workforce Service's~~  
 2320 ~~review of the annual moderate income housing report described in Subsection~~  
 2321 ~~35A-8-803(1)(a)(vii)]~~ the county during the fiscal year specified in the notice.

2322            [~~(b) Within the boundaries of the unincorporated area of a county where the county is~~  
2323 ~~required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has~~  
2324 ~~failed to adopt a moderate income housing plan element as part of the county's general plan or~~  
2325 ~~has failed to implement the requirements of the moderate income housing plan as determined~~  
2326 ~~by the results of the Department of Workforce Service's review of the annual moderate income~~  
2327 ~~housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:]~~

2328            (b) Within the boundaries of the unincorporated area of a county described in  
2329 Subsection (6)(a), the executive director:

2330            (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
2331 facility to a project prioritized by the commission under Section 72-1-304;

2332            (ii) may not program fund money for the construction, reconstruction, or renovation of  
2333 an interchange on a limited-access facility;

2334            (iii) may program Transit Transportation Investment Fund money for a  
2335 multi-community fixed guideway public transportation project; and

2336            (iv) may not program Transit Transportation Investment Fund money for the  
2337 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
2338 transportation project.

2339            (c) Subsections [~~(5)~~] (6)(a) and (b) do not apply to a project programmed by the  
2340 executive director before July 1, [2020] 2022, for projects prioritized by the commission under  
2341 Section 72-1-304.

2342            (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued  
2343 in any fiscal year, the department and the commission shall appear before the Executive  
2344 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
2345 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),  
2346 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

2347            (b) The Executive Appropriations Committee of the Legislature shall review and  
2348 comment on the amount of bond proceeds needed to fund the projects.

2349            (8) The Division of Finance shall, from money deposited into the fund, transfer the  
2350 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
2351 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or  
2352 sinking fund.

2353 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
2354 Transportation Investment Fund.

2355 (b) The fund shall be funded by:

2356 (i) contributions deposited into the fund in accordance with Section 59-12-103;

2357 (ii) appropriations into the account by the Legislature;

2358 (iii) deposits of sales and use tax increment related to a housing and transit

2359 reinvestment zone as described in Section 63N-3-610;

2360 (iv) private contributions; and

2361 (v) donations or grants from public or private entities.

2362 (c) (i) The fund shall earn interest.

2363 (ii) All interest earned on fund money shall be deposited into the fund.

2364 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund  
2365 for public transit capital development of new capacity projects to be used as prioritized by the  
2366 commission through the prioritization process adopted under Section 72-1-304.

2367 (e) (i) The Legislature may only appropriate money from the fund for a public transit  
2368 capital development project or pedestrian or nonmotorized transportation project that provides  
2369 connection to the public transit system if the public transit district or political subdivision  
2370 provides funds of equal to or greater than 40% of the costs needed for the project.

2371 (ii) A public transit district or political subdivision may use money derived from a loan  
2372 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or  
2373 part of the 40% requirement described in Subsection (9)(e)(i) if:

2374 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
2375 State Infrastructure Bank Fund; and

2376 (B) the proposed capital project has been prioritized by the commission pursuant to  
2377 Section 72-1-303.

2378 (10) (a) There is created in the Transportation Investment Fund of 2005 the  
2379 Cottonwood Canyons Transportation Investment Fund.

2380 (b) The fund shall be funded by:

2381 (i) money deposited into the fund in accordance with Section 59-12-103;

2382 (ii) appropriations into the account by the Legislature;

2383 (iii) private contributions; and

2384 (iv) donations or grants from public or private entities.

2385 (c) (i) The fund shall earn interest.

2386 (ii) All interest earned on fund money shall be deposited into the fund.

2387 (d) The Legislature may appropriate money from the fund for public transit or

2388 transportation projects in the Cottonwood Canyons of Salt Lake County.

2389 (11) If the department receives a notice of prioritization for a municipality as described

2390 in Subsection [10-9a-408\(5\)](#), or a notice of prioritization for a county as described in Subsection

2391 [17-27a-408\(5\)](#), the executive director may, during the fiscal year specified in the notice, give

2392 priority consideration for programming fund money, including Transit Transportation

2393 Investment Fund money, to a project that is located within the boundaries of the municipality

2394 or the unincorporated areas of the county.

2395 Section 34. **Appropriation.**

2396 The following sums of money are appropriated for the fiscal year beginning July 1,

2397 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for

2398 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures

2399 Act, the Legislature appropriates the following sums of money from the funds or accounts

2400 indicated for the use and support of the government of the state of Utah.

2401 ITEM 1

2402 To Department of Workforce Services -- Housing and Community Development

2403 From General Fund, One-time

\$500,000

2404 Schedule of Programs:

2405 Housing Development

\$500,000

2406 The Legislature intends that the Department of Workforce Services use funds

2407 appropriated under this item to develop a statewide database for moderate income housing

2408 units as described in Subsection [35A-8-803\(1\)\(a\)\(viii\)](#).

2409 ITEM 2

2410 To Department of Workforce Services -- Housing and Community Development

2411 From General Fund, One-time

\$750,000

2412 Schedule of Programs:

2413 Housing Development

\$750,000

2414 The Legislature intends that the Department of Workforce Services use \$375,000 of the

2415 funds appropriated under this item in fiscal years 2023 and 2024 to provide assistance to  
 2416 landlords under the Department of Workforce Services' Section 8 Landlord Incentive Program.  
 2417 Under the terms of Section 63J-1-603 of the Utah Code, the Legislature intends that funds  
 2418 appropriated to the Department of Workforce Services under this item shall not lapse at the  
 2419 close of fiscal year 2023.

2420 ITEM 3

2421 To Department of Workforce Services -- Olene Walker Housing Loan Fund  
 2422 From General Fund, One-time \$50,000,000

2423 Schedule of Programs:

2424 Olene Walker Housing Loan Fund \$50,000,000

2425 The Legislature intends that the Department of Workforce Services use funds  
 2426 appropriated under this item to provide gap financing for tax credit projects and to offset  
 2427 related administrative costs under Section 35A-8-504.

2428 ITEM 4

2429 To Department of Workforce Services -- Housing and Community Development  
 2430 From General Fund \$208,000

2431 Schedule of Programs:

2432 Housing Development \$208,000

2433 The Legislature intends that the Department of Workforce Services use funds  
 2434 appropriated under this item to hire two full-time equivalent employees.

2435 ITEM 5

2436 To Department of Workforce Services -- Administration  
 2437 From General Fund \$132,000

2438 Schedule of Programs:

2439 Administrative Support \$132,000

2440 The Legislature intends that the Department of Workforce Services use funds  
 2441 appropriated under this item to hire one full-time equivalent employee.

2442 ITEM 6

2443 To Department of Workforce Services -- Housing and Community Development  
 2444 From General Fund, One-time \$250,000

2445 Schedule of Programs:

2446                                    Housing Development                                    \$250,000

2447                                    The Legislature intends that the Department of Workforce Services distribute funds

2448 appropriated under this item to a nonprofit entity in the state that provides training and

2449 education on land use law. The Legislature intends that the Department of Workforce Services

2450 follow the provisions of Title 63G, Chapter 6a, Utah Procurement Code, in selecting the

2451 recipient entity.

2452                                    The Legislature intends that the recipient entity use funds distributed from the

2453 Department of Workforce Services under this item to provide regional land use training and

2454 workshops to local officials and policymakers on housing issues.

2455 ITEM 7

2456                                    To Department of Workforce Services -- Housing and Community Development

2457                                    From General Fund, One-time                                    \$250,000

2458                                    Schedule of Programs:

2459                                    Housing Development                                    \$250,000

2460                                    The Legislature intends that the Department of Workforce Services distribute funds

2461 appropriated under this item to a nonprofit entity in the state that engages in efforts to increase

2462 housing affordability through local zoning and housing regulation reform. The Legislature

2463 intends that the Department of Workforce Services follow the provisions of Title 63G, Chapter

2464 6a, Utah Procurement Code, in selecting the recipient entity.

2465 ITEM 8

2466                                    To Department of Workforce Services -- Rural Housing Fund

2467                                    From General Fund, One-time                                    \$50,000,000

2468                                    Schedule of Programs:

2469                                    Rural Housing Fund                                    \$50,000,000

2470                                    The Legislature intends that the Department of Workforce Services use funds

2471 appropriated under this item to provide loans and to offset administrative costs under Section

2472 [35A-8-509.5](#).

2473 ITEM 9

2474                                    To Governor's Office of Economic Opportunity -- Pass-Through

2475                                    From General Fund, One-time                                    \$3,000,000

2476                                    Schedule of Programs:



2477 Pass-Through \$3,000,000

2478 The Legislature intends that the Governor's Office of Economic Opportunity distribute  
2479 \$1,000,000 of the funds appropriated under this item in fiscal years 2023, 2024, and 2025 to a  
2480 statewide business association that provides matching funds. The Legislature intends that the  
2481 Governor's Office of Economic Opportunity follow the provisions of Title 63G, Chapter 6a,  
2482 Utah Procurement Code, in selecting the recipient entity.

2483 The Legislature intends that the recipient entity use funds distributed from the  
2484 Governor's Office of Economic Opportunity under this item to develop and implement a  
2485 statewide marketing and outreach campaign to educate the business community on the impacts  
2486 of housing affordability and other housing issues on workforce needs and business  
2487 development.

2488 Under the terms of Section [63J-1-603](#) of the Utah Code, the Legislature intends that  
2489 funds appropriated to the Governor's Office of Economic Opportunity under this item shall not  
2490 lapse at the close of fiscal year 2023.

2491 **Section 35. Repealer.**

2492 This bill repeals:

2493 **Section [10-8-85.4](#), Ordinances regarding short-term rentals -- Prohibition on**  
2494 **ordinances restricting speech on short-term rental websites.**

2495 **Section [17-50-338](#), Ordinances regarding short-term rentals -- Prohibition on**  
2496 **ordinances restricting speech on short-term rental websites.**