

**Senator Jacob L. Anderegg** proposes the following substitute bill:

**UTAH HOUSING AFFORDABILITY AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Waldrip**

Senate Sponsor: Jacob L. Anderegg

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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, or are required to select, for implementation as part of the moderate income housing element of the political subdivision's general plan;
- ▶ requires certain municipalities to develop and adopt station area plans for specified areas surrounding public transit stations;
- ▶ requires certain political subdivisions to amend the political subdivision's general plan by a specified date if the general plan does not include certain provisions related to moderate income housing;
- ▶ modifies requirements for a political subdivision's annual moderate income housing report to the Housing and Community Development Division (division) within the



- 26 Department of Workforce Services (department);
- 27       ▶ allows a political subdivision to have priority consideration for certain funds or
- 28 projects if the political subdivision demonstrates plans to implement a certain
- 29 number of moderate income housing strategies;
- 30       ▶ prohibits a political subdivision from receiving certain funds if the political
- 31 subdivision fails to comply with moderate income housing reporting requirements;
- 32       ▶ prohibits a political subdivision from imposing impact fees for the construction of
- 33 certain internal accessory dwelling units;
- 34       ▶ requires the Point of the Mountain State Land Authority to consult with the Unified
- 35 Economic Opportunity Commission in planning the development of the point of the
- 36 mountain state land;
- 37       ▶ modifies requirements for a public transit district to participate in a transit-oriented
- 38 development;
- 39       ▶ requires certain counties to create a housing and transit reinvestment zone by a
- 40 specified date;
- 41       ▶ modifies local referenda signature requirements for local land use laws that relate to
- 42 the use of land within certain transit areas;
- 43       ▶ limits the referability to voters of local land use laws that relate to the use of land
- 44 within certain transit areas;
- 45       ▶ requires the division to develop a statewide database of moderate income housing
- 46 units;
- 47       ▶ requires the division to develop a methodology for determining whether a political
- 48 subdivision is complying with certain moderate income housing requirements, to be
- 49 submitted to and approved by the Commission on Housing Affordability by a
- 50 certain date;
- 51       ▶ modifies the membership of the Olene Walker Housing Loan Fund Board;
- 52       ▶ requires an entity that receives any money from the Olene Walker Housing Loan
- 53 Fund after a certain date to provide an annual accounting to the department;
- 54       ▶ repeals certain limits on the amount of money the department may distribute from
- 55 the Economic Revitalization and Investment Fund;
- 56       ▶ establishes the Rural Housing Fund, to be used by the division to provide loans for

57 certain moderate income housing projects in rural areas;

58       ▶ allows the department to use a certain amount of money from specified funds to  
59 offset administrative costs;

60       ▶ allows the Private Activity Bond Review Board to transfer certain unused allotment  
61 account funds to any other allotment account, and exempts such funds from certain  
62 set aside requirements;

63       ▶ allows state entities, in addition to political subdivisions, to grant real property for  
64 certain developments that include moderate income housing;

65       ▶ allows the Governor's Office of Economic Opportunity to use funds from the  
66 Industrial Assistance Account to provide financial assistance to entities offering  
67 technical assistance to municipalities for planning; and

68       ▶ makes technical and conforming changes.

69 **Money Appropriated in this Bill:**

70 This bill appropriates in fiscal year 2023:

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

73           • from the General Fund, \$500,000;

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

76           • from the General Fund, \$750,000;

77       ▶ to Department of Workforce Services -- Administration, as an ongoing  
78 appropriation:

79           • from the General Fund, \$132,000;

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

82           • from the General Fund, \$250,000; and

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

85           • from the General Fund, \$250,000.

86 **Other Special Clauses:**

87 This bill provides a special effective date.

88 This bill provides a coordination clause.

89 **Utah Code Sections Affected:**

90 AMENDS:

91 **10-9a-103**, as last amended by Laws of Utah 2021, Chapters 140 and 385

92 **10-9a-401**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

93 **10-9a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

94 **10-9a-404**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

95 **10-9a-408**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

96 **10-9a-509**, as last amended by Laws of Utah 2021, Chapters 140 and 385

97 **11-36a-202**, as last amended by Laws of Utah 2021, Chapter 35

98 **11-59-203**, as enacted by Laws of Utah 2018, Chapter 388

99 **17-27a-103**, as last amended by Laws of Utah 2021, Chapters 140, 363, and 385

100 **17-27a-401**, as last amended by Laws of Utah 2021, Chapter 363

101 **17-27a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

102 **17-27a-404**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355

103 **17-27a-408**, as last amended by Laws of Utah 2020, Chapter 434

104 **17-27a-508**, as last amended by Laws of Utah 2021, Chapters 140 and 385

105 **17B-2a-802**, as last amended by Laws of Utah 2020, Chapter 377

106 **17B-2a-804**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

107 **20A-7-601**, as last amended by Laws of Utah 2021, Chapter 140

108 **20A-7-602.8**, as last amended by Laws of Utah 2021, Chapter 418

109 **35A-8-101**, as last amended by Laws of Utah 2021, Chapter 281

110 **35A-8-503**, as last amended by Laws of Utah 2019, Chapter 327

111 **35A-8-504**, as last amended by Laws of Utah 2020, Chapter 241

112 **35A-8-507.5**, as enacted by Laws of Utah 2021, Chapter 333

113 **35A-8-508**, as last amended by Laws of Utah 2014, Chapter 371

114 **35A-8-509**, as enacted by Laws of Utah 2017, Chapter 279

115 **35A-8-510**, as enacted by Laws of Utah 2017, Chapter 279

116 **35A-8-511**, as enacted by Laws of Utah 2017, Chapter 279

117 **35A-8-512**, as enacted by Laws of Utah 2017, Chapter 279

118 **35A-8-513**, as enacted by Laws of Utah 2017, Chapter 279

- 119 [35A-8-803](#), as last amended by Laws of Utah 2019, Chapter 327
- 120 [35A-8-2105](#), as renumbered and amended by Laws of Utah 2018, Chapter 182
- 121 [35A-8-2106](#), as renumbered and amended by Laws of Utah 2018, Chapter 182
- 122 [35A-8-2203](#), as enacted by Laws of Utah 2018, Chapter 392
- 123 [63J-4-802](#), as enacted by Laws of Utah 2021, First Special Session, Chapter 4
- 124 [63N-3-603](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 3
- 125 [72-1-304](#), as last amended by Laws of Utah 2021, Chapters 239, 239, 411, and 411
- 126 [72-2-124](#), as last amended by Laws of Utah 2021, Chapters 239, 387, and 411

127 ENACTS:

- 128 [10-9a-403.1](#), Utah Code Annotated 1953
- 129 [35A-8-509.5](#), Utah Code Annotated 1953
- 130 [63L-12-101](#), Utah Code Annotated 1953
- 131 [63N-3-113](#), Utah Code Annotated 1953

132 RENUMBERS AND AMENDS:

- 133 [63L-12-102](#), (Renumbered from 10-8-501, as enacted by Laws of Utah 2021, Chapter
- 134 333)

135 **Utah Code Sections Affected by Coordination Clause:**

- 136 [10-9a-403](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 3



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

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

140 **10-9a-103. Definitions.**

141 As used in this chapter:

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

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

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

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

149 (3) "Affected entity" means a county, municipality, local district, special service

150 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
151 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
152 public utility, property owner, property owners association, or the Utah Department of  
153 Transportation, if:

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

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

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

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

162 (a) a single project;

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

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

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

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

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

173 (i) an operating charter school;

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

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

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

179 (8) "Conditional use" means a land use that, because of the unique characteristics or  
180 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land

181 uses, may not be compatible in some areas or may be compatible only if certain conditions are  
182 required that mitigate or eliminate the detrimental impacts.

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

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

186 (b) Utah Constitution Article I, Section 22.

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

190 (11) "Development activity" means:

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

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

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

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

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

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

204 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
205 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
206 802.

207 (14) "Educational facility":

208 (a) means:

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

- 212 (ii) a structure or facility:
- 213 (A) located on the same property as a building described in Subsection (14)(a)(i); and
- 214 (B) used in support of the use of that building; and
- 215 (iii) a building to provide office and related space to a school district's administrative
- 216 personnel; and
- 217 (b) does not include:
- 218 (i) land or a structure, including land or a structure for inventory storage, equipment
- 219 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
- 220 (A) not located on the same property as a building described in Subsection (14)(a)(i);
- 221 and
- 222 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or
- 223 (ii) a therapeutic school.
- 224 (15) "Fire authority" means the department, agency, or public entity with responsibility
- 225 to review and approve the feasibility of fire protection and suppression services for the subject
- 226 property.
- 227 (16) "Flood plain" means land that:
- 228 (a) is within the 100-year flood plain designated by the Federal Emergency
- 229 Management Agency; or
- 230 (b) has not been studied or designated by the Federal Emergency Management Agency
- 231 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
- 232 the land has characteristics that are similar to those of a 100-year flood plain designated by the
- 233 Federal Emergency Management Agency.
- 234 (17) "General plan" means a document that a municipality adopts that sets forth general
- 235 guidelines for proposed future development of the land within the municipality.
- 236 (18) "Geologic hazard" means:
- 237 (a) a surface fault rupture;
- 238 (b) shallow groundwater;
- 239 (c) liquefaction;
- 240 (d) a landslide;
- 241 (e) a debris flow;
- 242 (f) unstable soil;



- 243 (g) a rock fall; or
- 244 (h) any other geologic condition that presents a risk:
- 245 (i) to life;
- 246 (ii) of substantial loss of real property; or
- 247 (iii) of substantial damage to real property.
- 248 (19) "Historic preservation authority" means a person, board, commission, or other
- 249 body designated by a legislative body to:
- 250 (a) recommend land use regulations to preserve local historic districts or areas; and
- 251 (b) administer local historic preservation land use regulations within a local historic
- 252 district or area.
- 253 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 254 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 255 utility system.
- 256 (21) "Identical plans" means building plans submitted to a municipality that:
- 257 (a) are clearly marked as "identical plans";
- 258 (b) are substantially identical to building plans that were previously submitted to and
- 259 reviewed and approved by the municipality; and
- 260 (c) describe a building that:
- 261 (i) is located on land zoned the same as the land on which the building described in the
- 262 previously approved plans is located;
- 263 (ii) is subject to the same geological and meteorological conditions and the same law
- 264 as the building described in the previously approved plans;
- 265 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 266 and approved by the municipality; and
- 267 (iv) does not require any additional engineering or analysis.
- 268 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 269 Impact Fees Act.
- 270 (23) "Improvement completion assurance" means a surety bond, letter of credit,
- 271 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 272 by a municipality to guaranty the proper completion of landscaping or an infrastructure
- 273 improvement required as a condition precedent to:

274 (a) recording a subdivision plat; or  
275 (b) development of a commercial, industrial, mixed use, or multifamily project.  
276 (24) "Improvement warranty" means an applicant's unconditional warranty that the  
277 applicant's installed and accepted landscaping or infrastructure improvement:  
278 (a) complies with the municipality's written standards for design, materials, and  
279 workmanship; and  
280 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
281 within the improvement warranty period.  
282 (25) "Improvement warranty period" means a period:  
283 (a) no later than one year after a municipality's acceptance of required landscaping; or  
284 (b) no later than one year after a municipality's acceptance of required infrastructure,  
285 unless the municipality:  
286 (i) determines for good cause that a one-year period would be inadequate to protect the  
287 public health, safety, and welfare; and  
288 (ii) has substantial evidence, on record:  
289 (A) of prior poor performance by the applicant; or  
290 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
291 and the municipality has not otherwise required the applicant to mitigate the suspect soil.  
292 (26) "Infrastructure improvement" means permanent infrastructure that is essential for  
293 the public health and safety or that:  
294 (a) is required for human occupation; and  
295 (b) an applicant must install:  
296 (i) in accordance with published installation and inspection specifications for public  
297 improvements; and  
298 (ii) whether the improvement is public or private, as a condition of:  
299 (A) recording a subdivision plat;  
300 (B) obtaining a building permit; or  
301 (C) development of a commercial, industrial, mixed use, condominium, or multifamily  
302 project.  
303 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted  
304 designation that:

- 305 (a) runs with the land; and
- 306 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 307 the plat; or
- 308 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 309 described on the plat.
- 310 (28) "Land use applicant" means a property owner, or the property owner's designee,
- 311 who submits a land use application regarding the property owner's land.
- 312 (29) "Land use application":
- 313 (a) means an application that is:
- 314 (i) required by a municipality; and
- 315 (ii) submitted by a land use applicant to obtain a land use decision; and
- 316 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 317 (30) "Land use authority" means:
- 318 (a) a person, board, commission, agency, or body, including the local legislative body,
- 319 designated by the local legislative body to act upon a land use application; or
- 320 (b) if the local legislative body has not designated a person, board, commission,
- 321 agency, or body, the local legislative body.
- 322 (31) "Land use decision" means an administrative decision of a land use authority or
- 323 appeal authority regarding:
- 324 (a) a land use permit;
- 325 (b) a land use application; or
- 326 (c) the enforcement of a land use regulation, land use permit, or development
- 327 agreement.
- 328 (32) "Land use permit" means a permit issued by a land use authority.
- 329 (33) "Land use regulation":
- 330 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 331 specification, fee, or rule that governs the use or development of land;
- 332 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 333 and
- 334 (c) does not include:
- 335 (i) a land use decision of the legislative body acting as the land use authority, even if

336 the decision is expressed in a resolution or ordinance; or

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

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

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

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

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

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

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

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

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

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

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

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

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

358 (i) creates an additional lot; or

359 (ii) constitutes a subdivision.

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

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

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

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

366 or

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

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

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

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

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

375 (a) is created or depicted on a plat recorded in a county recorder's office and is  
376 described as a municipal utility easement granted for public use;

377 (b) is not a protected utility easement or a public utility easement as defined in Section  
378 54-3-27;

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

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

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

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

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

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

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

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

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

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

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

- 398 (44) "Nonconforming use" means a use of land that:
- 399 (a) legally existed before its current land use designation;
- 400 (b) has been maintained continuously since the time the land use ordinance governing
- 401 the land changed; and
- 402 (c) because of one or more subsequent land use ordinance changes, does not conform
- 403 to the regulations that now govern the use of the land.
- 404 (45) "Official map" means a map drawn by municipal authorities and recorded in a
- 405 county recorder's office that:
- 406 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
- 407 highways and other transportation facilities;
- 408 (b) provides a basis for restricting development in designated rights-of-way or between
- 409 designated setbacks to allow the government authorities time to purchase or otherwise reserve
- 410 the land; and
- 411 (c) has been adopted as an element of the municipality's general plan.
- 412 (46) "Parcel" means any real property that is not a lot.
- 413 (47) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
- 414 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
- 415 agreement in accordance with Section [10-9a-524](#), if no additional parcel is created and:
- 416 (i) none of the property identified in the agreement is a lot; or
- 417 (ii) the adjustment is to the boundaries of a single person's parcels.
- 418 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
- 419 line that:
- 420 (i) creates an additional parcel; or
- 421 (ii) constitutes a subdivision.
- 422 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
- 423 the Department of Transportation.
- 424 (48) "Person" means an individual, corporation, partnership, organization, association,
- 425 trust, governmental agency, or any other legal entity.
- 426 (49) "Plan for moderate income housing" means a written document adopted by a
- 427 municipality's legislative body that includes:
- 428 (a) an estimate of the existing supply of moderate income housing located within the

429 municipality;

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

432 (c) a survey of total residential land use;

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

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

437 (50) "Plat" means an instrument subdividing property into lots as depicted on a map or  
438 other graphical representation of lands that a licensed professional land surveyor makes and  
439 prepares in accordance with Section 10-9a-603 or 57-8-13.

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

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

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

447 (52) "Public agency" means:

448 (a) the federal government;

449 (b) the state;

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

452 (d) a charter school.

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

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

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

460 easement, or other public way.

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

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

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

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

468 (b) (i) which is licensed or certified by the Department of Human Services under Title  
469 62A, Chapter 2, Licensure of Programs and Facilities; or

470 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
471 21, Health Care Facility Licensing and Inspection Act.

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

474 (a) parliamentary order and procedure;

475 (b) ethical behavior; and

476 (c) civil discourse.

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

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

483 (62) "Specified public agency" means:

484 (a) the state;

485 (b) a school district; or

486 (c) a charter school.

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

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

490 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be



491 divided into two or more lots or other division of land for the purpose, whether immediate or  
492 future, for offer, sale, lease, or development either on the installment plan or upon any and all  
493 other plans, terms, and conditions.

494 (b) "Subdivision" includes:

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

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

501 (c) "Subdivision" does not include:

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

506 (ii) a boundary line agreement recorded with the county recorder's office between  
507 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
508 [10-9a-524](#) if no new parcel is created;

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

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

512 (B) joining a lot to a parcel;

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

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

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

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

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

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

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

- 522 (vi) a parcel boundary adjustment;
- 523 (vii) a lot line adjustment;
- 524 (viii) a road, street, or highway dedication plat;
- 525 (ix) a deed or easement for a road, street, or highway purpose; or
- 526 (x) any other division of land authorized by law.
- 527 (66) "Subdivision amendment" means an amendment to a recorded subdivision in  
528 accordance with Section 10-9a-608 that:
- 529 (a) vacates all or a portion of the subdivision;
- 530 (b) alters the outside boundary of the subdivision;
- 531 (c) changes the number of lots within the subdivision;
- 532 (d) alters a public right-of-way, a public easement, or public infrastructure within the  
533 subdivision; or
- 534 (e) alters a common area or other common amenity within the subdivision.
- 535 (67) "Substantial evidence" means evidence that:
- 536 (a) is beyond a scintilla; and
- 537 (b) a reasonable mind would accept as adequate to support a conclusion.
- 538 (68) "Suspect soil" means soil that has:
- 539 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
540 3% swell potential;
- 541 (b) bedrock units with high shrink or swell susceptibility; or
- 542 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
543 commonly associated with dissolution and collapse features.
- 544 (69) "Therapeutic school" means a residential group living facility:
- 545 (a) for four or more individuals who are not related to:
- 546 (i) the owner of the facility; or
- 547 (ii) the primary service provider of the facility;
- 548 (b) that serves students who have a history of failing to function:
- 549 (i) at home;
- 550 (ii) in a public school; or
- 551 (iii) in a nonresidential private school; and
- 552 (c) that offers:

553 (i) room and board; and

554 (ii) an academic education integrated with:

555 (A) specialized structure and supervision; or

556 (B) services or treatment related to a disability, an emotional development, a

557 behavioral development, a familial development, or a social development.

558 (70) "Transferable development right" means a right to develop and use land that  
559 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
560 land use rights from a designated sending zone to a designated receiving zone.

561 (71) "Unincorporated" means the area outside of the incorporated area of a city or  
562 town.

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

564 (a) each of the rights listed in Section 73-1-11; and

565 (b) an ownership interest in the right to the beneficial use of water represented by:

566 (i) a contract; or

567 (ii) a share in a water company, as defined in Section 73-3-3.5.

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

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

571 **10-9a-401. General plan required -- Content.**

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

574 (a) present and future needs of the municipality; and

575 (b) growth and development of all or any part of the land within the municipality.

576 (2) The general plan may provide for:

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

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

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

582 (i) food and water; and

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

- 584 (d) the use of energy conservation and solar and renewable energy resources;  
585 (e) the protection of urban development;  
586 (f) if the municipality is a town, the protection or promotion of moderate income  
587 housing;  
588 (g) the protection and promotion of air quality;  
589 (h) historic preservation;  
590 (i) identifying future uses of land that are likely to require an expansion or significant  
591 modification of services or facilities provided by each affected entity; and  
592 (j) an official map.

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

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

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

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

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

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

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

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

608 (3) (a) The general plan of a specified municipality, as defined in Section [10-9a-408](#),  
609 shall include a moderate income housing element that meets the requirements of Subsection  
610 [10-9a-403\(2\)\(a\)\(iii\)](#).

611 (b) On or before October 1, 2022, a specified municipality, as defined in Section  
612 [10-9a-408](#), with a general plan that does not comply with Subsection (3)(a) shall amend the  
613 general plan to comply with Subsection (3)(a).

614 (4) Subject to Subsection [10-9a-403\(2\)](#), the municipality may determine the

615 comprehensiveness, extent, and format of the general plan.

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

617 **10-9a-403. General plan preparation.**

618 (1) (a) The planning commission shall provide notice, as provided in Section  
619 **10-9a-203**, of [its] the planning commission's intent to make a recommendation to the  
620 municipal legislative body for a general plan or a comprehensive general plan amendment  
621 when the planning commission initiates the process of preparing [its] the planning  
622 commission's recommendation.

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

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

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

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

635 (i) a land use element that:

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

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

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

644 (A) provides the general location and extent of existing and proposed freeways, arterial  
645 and collector streets, public transit, active transportation facilities, and other modes of

646 transportation that the planning commission considers appropriate;

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

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

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

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

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

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

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

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

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

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

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

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

675 (ii) for a town, may include, and for ~~[other municipalities]~~ a specified municipality as  
676 defined in Section 10-9a-408, shall include, an analysis of how the municipality will provide a

677 realistic opportunity for the development of moderate income housing within the next five  
678 years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



739 ~~planning assistance;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

770 municipality for implementation.

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

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

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

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

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

777 (ii) avoid proposing a use of land within an agriculture protection area that is

778 inconsistent with or detrimental to the use of the land for agriculture~~[-]; and~~

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

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

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

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

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

791 (3) The proposed general plan may include:

792 (a) an environmental element that addresses:

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

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

800 (b) a public services and facilities element showing general plans for sewage, water,

801 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
802 police and fire protection, and other public services;

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

805 (i) historic preservation;

806 (ii) the diminution or elimination of a development impediment as defined in Section  
807 [17C-1-102](#); and

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

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

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

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

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

820 Section 4. Section [10-9a-403.1](#) is enacted to read:

821 **[10-9a-403.1](#). Station area plan requirements -- Contents -- Review and  
822 certification by applicable metropolitan planning organization.**

823 (1) As used in this section:

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

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

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

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

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

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

836 (g) "Qualifying land use application" means a land use application:

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

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

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

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

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

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

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

851 (h) (i) "Station area" means:

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

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

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

860 (i) "Station area plan" means a plan that:

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

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

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

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

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

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

870 (i) (A) the municipality has already taken actions to satisfy the requirements of  
871 Subsection (2)(a) for a station area, including actions that involve public and stakeholder  
872 engagement processes, market assessments, the creation of a station area vision, planning and  
873 implementation activities, capital programs, the adoption of land use regulations, or other  
874 similar actions; and

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

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

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

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

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

892 (b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing  
893 fixed guideway public transit station located within the municipality's boundaries shall satisfy

894 the requirements of Subsection (2)(a) for the station area surrounding the existing fixed  
895 guideway public transit station on or before December 31, 2025.

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

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

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

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

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

908 (B) if a municipality receives a complete qualifying land use application after July 1,  
909 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in  
910 which the development is proposed within a 12-month period beginning on the first day of the  
911 month immediately following the month in which the qualifying land use application is  
912 submitted to the municipality.

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

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

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

921 (A) the land use application is for a residential use within a station area for which the  
922 municipality has not satisfied the requirements of Subsection (2)(a); and

923 (B) the municipality would be required to change a zoning designation for the land use  
924 application to be approved.

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

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

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

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

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

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

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

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

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

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

953 (ii) promoting sustainable environmental conditions;

954 (iii) enhancing access to opportunities; and

955 (iv) increasing transportation choices and connections.

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

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

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

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

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

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

968 (A) conserving water resources through efficient land use;

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

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

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

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

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

977 (B) encouraging mixed-use development;

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

979 (D) encouraging and promoting enhanced broadband connectivity; or

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

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

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

985 (B) increasing utilization of public transit;

986 (C) encouraging safe streets through the designation of pedestrian walkways and



987 bicycle lanes;

988 (D) encouraging manageable and reliable traffic conditions;

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

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

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

994 (a) a station area vision that:

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

996 (ii) describes the following:

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

999 (B) constraints on the development of land within the station area under existing  
1000 conditions;

1001 (C) the municipality's objectives for the transportation system within the station area  
1002 and the future transportation system that meets those objectives;

1003 (D) the municipality's objectives for land uses within the station area and the future  
1004 land uses that meet those objectives;

1005 (E) the municipality's objectives for public and open spaces within the station area and  
1006 the future public and open spaces that meet those objectives; and

1007 (F) the municipality's objectives for the development of land within the station area and  
1008 the future development standards that meet those objectives;

1009 (b) a map that depicts:

1010 (i) the area within the municipality that is subject to the station area plan, provided that  
1011 the station area plan may apply to areas outside of the station area; and

1012 (ii) the area where each action is needed to implement the station area plan;

1013 (c) an implementation plan that identifies and describes each action needed within the  
1014 next five years to implement the station area plan, and the party responsible for taking each  
1015 action, including any actions to:

1016 (i) modify land use regulations;

1017 (ii) make infrastructure improvements;

- 1018 (iii) modify deeds or other relevant legal documents;
- 1019 (iv) secure funding or develop funding strategies;
- 1020 (v) establish design standards for development within the station area; or
- 1021 (vi) provide environmental remediation;
- 1022 (d) a statement that explains how the station area plan promotes the objectives
- 1023 described in Subsection (7)(a); and
- 1024 (e) as an alternative or supplement to the requirements of Subsection (7) or (8), and for
- 1025 purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make
- 1026 the following impracticable:
- 1027 (i) promoting the objectives described in Subsection (7)(a); or
- 1028 (ii) satisfying the requirements of Subsection (8).
- 1029 (9) A municipality shall develop a station area plan with the involvement of all
- 1030 relevant stakeholders that have an interest in the station area through public outreach and
- 1031 community engagement, including:
- 1032 (a) other impacted communities;
- 1033 (b) the applicable public transit district;
- 1034 (c) the applicable metropolitan planning organization;
- 1035 (d) the Department of Transportation;
- 1036 (e) owners of property within the station area; and
- 1037 (f) the municipality's residents and business owners.
- 1038 (10) (a) A municipality that is required to develop and adopt a station area plan for a
- 1039 station area under this section shall submit to the applicable metropolitan planning organization
- 1040 and the applicable public transit district documentation evidencing that the municipality has
- 1041 satisfied the requirement of Subsection (2)(a)(i) for the station area, including:
- 1042 (i) a station area plan; or
- 1043 (ii) a resolution adopted under Subsection (2)(b)(i) or (ii).
- 1044 (b) The applicable metropolitan planning organization, in consultation with the
- 1045 applicable public transit district, shall:
- 1046 (i) review the documentation submitted under Subsection (10)(a) to determine the
- 1047 municipality's compliance with this section; and
- 1048 (ii) provide written certification to the municipality if the applicable metropolitan

1049 planning organization determines that the municipality has satisfied the requirement of  
1050 Subsection (2)(a)(i) for the station area.

1051 (c) The municipality shall include the certification described in Subsection (10)(b)(ii)  
1052 in the municipality's report to the Department of Workforce Services under Section [10-9a-408](#).

1053 Section 5. Section **10-9a-404** is amended to read:

1054 **10-9a-404. Public hearing by planning commission on proposed general plan or**  
1055 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
1056 **by legislative body.**

1057 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
1058 amend the general plan, the planning commission shall schedule and hold a public hearing on  
1059 the proposed plan or amendment.

1060 (b) The planning commission shall provide notice of the public hearing, as required by  
1061 Section [10-9a-204](#).

1062 (c) After the public hearing, the planning commission may modify the proposed  
1063 general plan or amendment.

1064 (2) The planning commission shall forward the proposed general plan or amendment to  
1065 the legislative body.

1066 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed  
1067 general plan or amendment that it considers appropriate.

1068 (b) If the municipal legislative body rejects the proposed general plan or amendment, it  
1069 may provide suggestions to the planning commission for the planning commission's review and  
1070 recommendation.

1071 (4) The legislative body shall adopt:

1072 (a) a land use element as provided in Subsection [10-9a-403\(2\)\(a\)\(i\)](#);

1073 (b) a transportation and traffic circulation element as provided in Subsection  
1074 [10-9a-403\(2\)\(a\)\(ii\)](#); and

1075 [~~(c) for a municipality, other than a town, after considering the factors included in~~  
1076 ~~Subsection [10-9a-403\(2\)\(b\)\(iii\)](#), a plan to provide a realistic opportunity to meet the need for~~  
1077 ~~additional moderate income housing within the next five years.]~~

1078 (c) for a specified municipality as defined in Section [10-9a-408](#), a moderate income  
1079 housing element as provided in Subsection [10-9a-403\(2\)\(a\)\(iii\)](#).

1080 Section 6. Section **10-9a-408** is amended to read:

1081 **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**  
1082 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

1083 ~~[(1) The legislative body of a municipality described in Subsection **10-9a-401**(3)(b)~~  
1084 ~~shall annually:]~~

1085 ~~[(a) review the moderate income housing plan element of the municipality's general~~  
1086 ~~plan and implementation of that element of the general plan;]~~

1087 ~~[(b) prepare a report on the findings of the review described in Subsection (1)(a); and]~~

1088 ~~[(c) post the report described in Subsection (1)(b) on the municipality's website.]~~

1089 ~~[(2) The report described in Subsection (1) shall include:]~~

1090 ~~[(a) a revised estimate of the need for moderate income housing in the municipality for~~  
1091 ~~the next five years;]~~

1092 ~~[(b) a description of progress made within the municipality to provide moderate~~  
1093 ~~income housing, demonstrated by analyzing and publishing data on the number of housing~~  
1094 ~~units in the municipality that are at or below:]~~

1095 ~~[(i) 80% of the adjusted median family income;]~~

1096 ~~[(ii) 50% of the adjusted median family income; and]~~

1097 ~~[(iii) 30% of the adjusted median family income;]~~

1098 ~~[(c) a description of any efforts made by the municipality to utilize a moderate income~~  
1099 ~~housing set-aside from a community reinvestment agency, redevelopment agency, or~~  
1100 ~~community development and renewal agency; and]~~

1101 ~~[(d) a description of how the municipality has implemented any of the~~  
1102 ~~recommendations related to moderate income housing described in Subsection~~  
1103 ~~**10-9a-403**(2)(b)(iii).]~~

1104 ~~[(3) The legislative body of each municipality described in Subsection (1) shall send a~~  
1105 ~~copy of the report under Subsection (1) to the Department of Workforce Services, the~~  
1106 ~~association of governments in which the municipality is located, and, if located within the~~  
1107 ~~boundaries of a metropolitan planning organization, the appropriate metropolitan planning~~  
1108 ~~organization.]~~

1109 (1) As used in this section:

1110 (a) "Division" means the Housing and Community Development Division within the

1111 Department of Workforce Services.

1112 (b) "Implementation plan" means the implementation plan adopted as part of the  
1113 moderate income housing element of a specified municipality's general plan as provided in  
1114 Subsection 10-9a-403(2)(c).

1115 (c) "Moderate income housing report" or "report" means the report described in  
1116 Subsection (2)(a).

1117 (d) "Moderate income housing strategy" means a strategy described in Subsection  
1118 10-9a-403(2)(b)(iii).

1119 (e) "Specified municipality" means:

1120 (i) a city of the first, second, third, or fourth class;

1121 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located  
1122 within a county of the first, second, or third class; or

1123 (iii) a metro township with a population of 5,000 or more.

1124 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative  
1125 body of a specified municipality shall annually submit a written moderate income housing  
1126 report to the division.

1127 (b) The moderate income housing report submitted in 2022 shall include:

1128 (i) a description of each moderate income housing strategy selected by the specified  
1129 municipality for implementation; and

1130 (ii) an implementation plan.

1131 (c) The moderate income housing report submitted in each calendar year after 2022  
1132 shall include:

1133 (i) the information required under Subsection (2)(b);

1134 (ii) a description of each action, whether one-time or ongoing, taken by the specified  
1135 municipality during the previous fiscal year to implement the moderate income housing  
1136 strategies selected by the specified municipality for implementation;

1137 (iii) a description of each land use regulation or land use decision made by the  
1138 specified municipality during the previous fiscal year to implement the moderate income  
1139 housing strategies, including an explanation of how the land use regulation or land use decision  
1140 supports the specified municipality's efforts to implement the moderate income housing  
1141 strategies;

1142 (iv) a description of any barriers encountered by the specified municipality in the  
1143 previous fiscal year in implementing the moderate income housing strategies;  
1144 (v) information regarding the number of internal and external or detached accessory  
1145 dwelling units located within the specified municipality for which the specified municipality:  
1146 (A) issued a building permit to construct; or  
1147 (B) issued a business license to rent;  
1148 (vi) a description of how the market has responded to the selected moderate income  
1149 housing strategies, including the number of entitled moderate income housing units or other  
1150 relevant data; and  
1151 (vii) any recommendations on how the state can support the specified municipality in  
1152 implementing the moderate income housing strategies.  
1153 (d) The moderate income housing report shall be in a form:  
1154 (i) approved by the division; and  
1155 (ii) made available by the division on or before July 1 of the year in which the report is  
1156 required.  
1157 (3) Within 90 days after the day on which the division receives a specified  
1158 municipality's moderate income housing report, the division shall:  
1159 (a) post the report on the division's website;  
1160 (b) send a copy of the report to the Department of Transportation, the Governor's  
1161 Office of Planning and Budget, the association of governments in which the specified  
1162 municipality is located, and, if the specified municipality is located within the boundaries of a  
1163 metropolitan planning organization, the appropriate metropolitan planning organization; and  
1164 (c) subject to Subsection (4), review the report to determine compliance with  
1165 Subsection (2).  
1166 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the  
1167 report:  
1168 (i) includes the information required under Subsection (2)(b);  
1169 (ii) demonstrates to the division that the specified municipality made plans to  
1170 implement:  
1171 (A) three or more moderate income housing strategies if the specified municipality  
1172 does not have a fixed guideway public transit station; or

1173 (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing  
1174 strategies if the specified municipality has a fixed guideway public transit station; and

1175 (iii) is in a form approved by the division.

1176 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the  
1177 report:

1178 (i) includes the information required under Subsection (2)(c);

1179 (ii) demonstrates to the division that the specified municipality made plans to  
1180 implement:

1181 (A) three or more moderate income housing strategies if the specified municipality  
1182 does not have a fixed guideway public transit station; or

1183 (B) four or more moderate income housing strategies if the specified municipality has a  
1184 fixed guideway public transit station;

1185 (iii) is in a form approved by the division; and

1186 (iv) provides sufficient information for the division to:

1187 (A) assess the specified municipality's progress in implementing the moderate income  
1188 housing strategies;

1189 (B) monitor compliance with the specified municipality's implementation plan;

1190 (C) identify a clear correlation between the specified municipality's land use  
1191 regulations and land use decisions and the specified municipality's efforts to implement the  
1192 moderate income housing strategies; and

1193 (D) identify how the market has responded to the specified municipality's selected  
1194 moderate income housing strategies.

1195 (5) (a) A specified municipality qualifies for priority consideration under this  
1196 Subsection (5) if the specified municipality's moderate income housing report:

1197 (i) complies with Subsection (2); and

1198 (ii) demonstrates to the division that the specified municipality made plans to  
1199 implement:

1200 (A) five or more moderate income housing strategies if the specified municipality does  
1201 not have a fixed guideway public transit station; or

1202 (B) six or more moderate income housing strategies if the specified municipality has a  
1203 fixed guideway public transit station.

1204 (b) The following apply to a specified municipality described in Subsection (5)(a)  
1205 during the fiscal year immediately following the fiscal year in which the report is required:

1206 (i) the Transportation Commission may give priority consideration to transportation  
1207 projects located within the boundaries of the specified municipality in accordance with  
1208 Subsection [72-1-304\(3\)\(c\)](#); and

1209 (ii) the Governor's Office of Planning and Budget may give priority consideration for  
1210 awarding financial grants to the specified municipality under the COVID-19 Local Assistance  
1211 Matching Grant Program in accordance with Subsection [63J-4-802\(6\)](#).

1212 (c) Upon determining that a specified municipality qualifies for priority consideration  
1213 under this Subsection (5), the division shall send a notice of prioritization to the legislative  
1214 body of the specified municipality, the Department of Transportation, and the Governor's  
1215 Office of Planning and Budget.

1216 (d) The notice described in Subsection (5)(c) shall:

1217 (i) name the specified municipality that qualifies for priority consideration;

1218 (ii) describe the funds or projects for which the specified municipality qualifies to  
1219 receive priority consideration;

1220 (iii) specify the fiscal year during which the specified municipality qualifies for priority  
1221 consideration; and

1222 (iv) state the basis for the division's determination that the specified municipality  
1223 qualifies for priority consideration.

1224 (6) (a) If the division, after reviewing a specified municipality's moderate income  
1225 housing report, determines that the report does not comply with Subsection (2), the division  
1226 shall send a notice of noncompliance to the legislative body of the specified municipality.

1227 (b) The notice described in Subsection (6)(a) shall:

1228 (i) describe each deficiency in the report and the actions needed to cure each  
1229 deficiency;

1230 (ii) state that the specified municipality has an opportunity to cure the deficiencies  
1231 within 90 days after the day on which the notice is sent; and

1232 (iii) state that failure to cure the deficiencies within 90 days after the day on which the  
1233 notice is sent will result in ineligibility for funds under Subsection (7).

1234 (7) (a) A specified municipality is ineligible for funds under this Subsection (7) if the



1235 specified municipality:

1236 (i) fails to submit a moderate income housing report to the division; or

1237 (ii) fails to cure the deficiencies in the specified municipality's moderate income

1238 housing report within 90 days after the day on which the division sent to the specified

1239 municipality a notice of noncompliance under Subsection (6).

1240 (b) The following apply to a specified municipality described in Subsection (7)(a)

1241 during the fiscal year immediately following the fiscal year in which the report is required:

1242 (i) the executive director of the Department of Transportation may not program funds

1243 from the Transportation Investment Fund of 2005, including the Transit Transportation

1244 Investment Fund, to projects located within the boundaries of the specified municipality in

1245 accordance with Subsection [72-2-124\(5\)](#); and

1246 (ii) the Governor's Office of Planning and Budget may not award financial grants to the

1247 specified municipality under the COVID-19 Local Assistance Matching Grant Program in

1248 accordance with Subsection [63J-4-802\(7\)](#).

1249 (c) Upon determining that a specified municipality is ineligible for funds under this

1250 Subsection (7), the division shall send a notice of ineligibility to the legislative body of the

1251 specified municipality, the Department of Transportation, and the Governor's Office of

1252 Planning and Budget.

1253 (d) The notice described in Subsection (7)(c) shall:

1254 (i) name the specified municipality that is ineligible for funds;

1255 (ii) describe the funds for which the specified municipality is ineligible to receive;

1256 (iii) specify the fiscal year during which the specified municipality is ineligible for

1257 funds; and

1258 (iv) state the basis for the division's determination that the specified municipality is

1259 ineligible for funds.

1260 ~~[(4)]~~ (8) In a civil action seeking enforcement or claiming a violation of this section or

1261 of Subsection [10-9a-404\(4\)\(c\)](#), a plaintiff may not recover damages but may be awarded only

1262 injunctive or other equitable relief.

1263 Section 7. Section **10-9a-509** is amended to read:

1264 **10-9a-509. Applicant's entitlement to land use application approval --**

1265 **Municipality's requirements and limitations -- Vesting upon submission of development**

1266 **plan and schedule.**

1267 (1) (a) (i) An applicant who has submitted a complete land use application as described  
1268 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive  
1269 review of the application under the land use regulations:

1270 (A) in effect on the date that the application is complete; and

1271 (B) applicable to the application or to the information shown on the application.

1272 (ii) An applicant is entitled to approval of a land use application if the application  
1273 conforms to the requirements of the applicable land use regulations, land use decisions, and  
1274 development standards in effect when the applicant submits a complete application and pays  
1275 application fees, unless:

1276 (A) the land use authority, on the record, formally finds that a compelling,  
1277 countervailing public interest would be jeopardized by approving the application and specifies  
1278 the compelling, countervailing public interest in writing; or

1279 (B) in the manner provided by local ordinance and before the applicant submits the  
1280 application, the municipality formally initiates proceedings to amend the municipality's land  
1281 use regulations in a manner that would prohibit approval of the application as submitted.

1282 (b) The municipality shall process an application without regard to proceedings the  
1283 municipality initiated to amend the municipality's ordinances as described in Subsection  
1284 (1)(a)(ii)(B) if:

1285 (i) 180 days have passed since the municipality initiated the proceedings; and

1286 (ii) the proceedings have not resulted in an enactment that prohibits approval of the  
1287 application as submitted.

1288 (c) A land use application is considered submitted and complete when the applicant  
1289 provides the application in a form that complies with the requirements of applicable ordinances  
1290 and pays all applicable fees.

1291 (d) A subsequent incorporation of a municipality or a petition that proposes the  
1292 incorporation of a municipality does not affect a land use application approved by a county in  
1293 accordance with Section [17-27a-508](#).

1294 (e) The continuing validity of an approval of a land use application is conditioned upon  
1295 the applicant proceeding after approval to implement the approval with reasonable diligence.

1296 (f) A municipality may not impose on an applicant who has submitted a complete

1297 application a requirement that is not expressed in:

1298 (i) this chapter;

1299 (ii) a municipal ordinance; or

1300 (iii) a municipal specification for public improvements applicable to a subdivision or

1301 development that is in effect on the date that the applicant submits an application.

1302 (g) A municipality may not impose on a holder of an issued land use permit or a final,

1303 unexpired subdivision plat a requirement that is not expressed:

1304 (i) in a land use permit;

1305 (ii) on the subdivision plat;

1306 (iii) in a document on which the land use permit or subdivision plat is based;

1307 (iv) in the written record evidencing approval of the land use permit or subdivision

1308 plat;

1309 (v) in this chapter; or

1310 (vi) in a municipal ordinance.

1311 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance

1312 of a certificate of occupancy or acceptance of subdivision improvements because of an

1313 applicant's failure to comply with a requirement that is not expressed:

1314 (i) in the building permit or subdivision plat, documents on which the building permit

1315 or subdivision plat is based, or the written record evidencing approval of the land use permit or

1316 subdivision plat; or

1317 (ii) in this chapter or the municipality's ordinances.

1318 (i) A municipality may not unreasonably withhold issuance of a certificate of

1319 occupancy where an applicant has met all requirements essential for the public health, public

1320 safety, and general welfare of the occupants, in accordance with this chapter, unless:

1321 (i) the applicant and the municipality have agreed in a written document to the

1322 withholding of a certificate of occupancy; or

1323 (ii) the applicant has not provided a financial assurance for required and uncompleted

1324 landscaping or infrastructure improvements in accordance with an applicable ordinance that the

1325 legislative body adopts under this chapter.

1326 (2) A municipality is bound by the terms and standards of applicable land use

1327 regulations and shall comply with mandatory provisions of those regulations.

1328 (3) A municipality may not, as a condition of land use application approval, require a  
1329 person filing a land use application to obtain documentation regarding a school district's  
1330 willingness, capacity, or ability to serve the development proposed in the land use application.

1331 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on  
1332 which a subdivision plat is recorded, a municipality may not impose on a building permit  
1333 applicant for a single-family dwelling located within the subdivision any land use regulation  
1334 that is enacted within 10 years after the day on which the subdivision plat is recorded.

1335 (b) Subsection (4)(a) does not apply to any changes in the requirements of the  
1336 applicable building code, health code, or fire code, or other similar regulations.

1337 (5) Upon a specified public agency's submission of a development plan and schedule as  
1338 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the  
1339 specified public agency vests in the municipality's applicable land use maps, zoning map,  
1340 hookup fees, impact fees, other applicable development fees, and land use regulations in effect  
1341 on the date of submission.

1342 (6) (a) If sponsors of a referendum timely challenge a project in accordance with  
1343 Subsection 20A-7-601[(5)](6), the project's affected owner may rescind the project's land use  
1344 approval by delivering a written notice:

- 1345 (i) to the local clerk as defined in Section 20A-7-101; and
- 1346 (ii) no later than seven days after the day on which a petition for a referendum is  
1347 determined sufficient under Subsection 20A-7-607(4).

1348 (b) Upon delivery of a written notice described in Subsection (6)(a) the following are  
1349 rescinded and are of no further force or effect:

- 1350 (i) the relevant land use approval; and
- 1351 (ii) any land use regulation enacted specifically in relation to the land use approval.

1352 Section 8. Section 11-36a-202 is amended to read:

1353 **11-36a-202. Prohibitions on impact fees.**

1354 (1) A local political subdivision or private entity may not:

- 1355 (a) impose an impact fee to:
  - 1356 (i) cure deficiencies in a public facility serving existing development;
  - 1357 (ii) raise the established level of service of a public facility serving existing  
1358 development; or

1359 (iii) recoup more than the local political subdivision's or private entity's costs actually  
1360 incurred for excess capacity in an existing system improvement;

1361 (b) delay the construction of a school or charter school because of a dispute with the  
1362 school or charter school over impact fees; or

1363 (c) impose or charge any other fees as a condition of development approval unless  
1364 those fees are a reasonable charge for the service provided.

1365 (2) (a) Notwithstanding any other provision of this chapter, a political subdivision or  
1366 private entity may not impose an impact fee:

1367 (i) on residential components of development to pay for a public safety facility that is a  
1368 fire suppression vehicle;

1369 (ii) on a school district or charter school for a park, recreation facility, open space, or  
1370 trail;

1371 (iii) on a school district or charter school unless:

1372 (A) the development resulting from the school district's or charter school's  
1373 development activity directly results in a need for additional system improvements for which  
1374 the impact fee is imposed; and

1375 (B) the impact fee is calculated to cover only the school district's or charter school's  
1376 proportionate share of the cost of those additional system improvements;

1377 (iv) to the extent that the impact fee includes a component for a law enforcement  
1378 facility, on development activity for:

1379 (A) the Utah National Guard;

1380 (B) the Utah Highway Patrol; or

1381 (C) a state institution of higher education that has its own police force; ~~or~~

1382 (v) on development activity on the state fair park, as defined in Section [63H-6-102](#)~~[-]~~;

1383 or

1384 (vi) on development activity that consists of the construction of an internal accessory  
1385 dwelling unit, as defined in Section [10-9a-530](#), within an existing primary dwelling.

1386 (b) (i) Notwithstanding any other provision of this chapter, a political subdivision or  
1387 private entity may not impose an impact fee on development activity that consists of the  
1388 construction of a school, whether by a school district or a charter school, if:

1389 (A) the school is intended to replace another school, whether on the same or a different

1390 parcel;

1391 (B) the new school creates no greater demand or need for public facilities than the  
1392 school or school facilities, including any portable or modular classrooms that are on the site of  
1393 the replaced school at the time that the new school is proposed; and

1394 (C) the new school and the school being replaced are both within the boundary of the  
1395 local political subdivision or the jurisdiction of the private entity.

1396 (ii) If the imposition of an impact fee on a new school is not prohibited under  
1397 Subsection (2)(b)(i) because the new school creates a greater demand or need for public  
1398 facilities than the school being replaced, the impact fee shall be based only on the demand or  
1399 need that the new school creates for public facilities that exceeds the demand or need that the  
1400 school being replaced creates for those public facilities.

1401 (c) Notwithstanding any other provision of this chapter, a political subdivision or  
1402 private entity may impose an impact fee for a road facility on the state only if and to the extent  
1403 that:

1404 (i) the state's development causes an impact on the road facility; and

1405 (ii) the portion of the road facility related to an impact fee is not funded by the state or  
1406 by the federal government.

1407 (3) Notwithstanding any other provision of this chapter, a local political subdivision  
1408 may impose and collect impact fees on behalf of a school district if authorized by Section  
1409 [11-36a-206](#).

1410 Section 9. Section **11-59-203** is amended to read:

1411 **11-59-203. Authority duties and responsibilities.**

1412 (1) As the authority plans, manages, and implements the development of the point of  
1413 the mountain state land, the authority shall pursue development strategies and objectives  
1414 designed to:

1415 (a) maximize the creation of high-quality jobs and encourage and facilitate a highly  
1416 trained workforce;

1417 (b) ensure strategic residential and commercial growth;

1418 (c) promote a high quality of life for residents on and surrounding the point of the  
1419 mountain state land, including strategic planning to facilitate:

1420 (i) jobs close to where people live;

- 1421 (ii) vibrant urban centers;
- 1422 (iii) housing types that incorporate affordability factors and match workforce needs;
- 1423 (iv) parks, connected trails, and open space, including the preservation of natural lands
- 1424 to the extent practicable and consistent with the overall development plan; and
- 1425 (v) preserving and enhancing recreational opportunities;
- 1426 (d) complement the development on land in the vicinity of the point of the mountain
- 1427 state land;
- 1428 (e) improve air quality and minimize resource use; and
- 1429 (f) accommodate and incorporate the planning, funding, and development of an
- 1430 enhanced and expanded future transit and transportation infrastructure and other investments,
- 1431 including:
- 1432 (i) the acquisition of rights-of-way and property necessary to ensure transit access to
- 1433 the point of the mountain state land; and
- 1434 (ii) a world class mass transit infrastructure, to service the point of the mountain state
- 1435 land and to enhance mobility and protect the environment.
- 1436 (2) In planning the development of the point of the mountain state land, the authority
- 1437 shall:
- 1438 (a) consult with applicable governmental planning agencies, including:
- 1439 (i) relevant metropolitan planning organizations; ~~and~~
- 1440 (ii) Draper City and Salt Lake County planning and governing bodies; and
- 1441 (iii) in regards to the factors described in Subsections (1)(c)(i) and (iii), the Unified
- 1442 Economic Opportunity Commission created in Section [63N-1a-201](#);
- 1443 (b) research and explore the feasibility of attracting a nationally recognized research
- 1444 center; and
- 1445 (c) research and explore the appropriateness of including labor training centers and a
- 1446 higher education presence on the point of the mountain state land.
- 1447 Section 10. Section **17-27a-103** is amended to read:
- 1448 **17-27a-103. Definitions.**
- 1449 As used in this chapter:
- 1450 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
- 1451 detached from a primary single-family dwelling and contained on one lot.

1452 (2) "Adversely affected party" means a person other than a land use applicant who:

1453 (a) owns real property adjoining the property that is the subject of a land use  
1454 application or land use decision; or

1455 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
1456 general community as a result of the land use decision.

1457 (3) "Affected entity" means a county, municipality, local district, special service  
1458 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
1459 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
1460 property owner, property owner's association, public utility, or the Utah Department of  
1461 Transportation, if:

1462 (a) the entity's services or facilities are likely to require expansion or significant  
1463 modification because of an intended use of land;

1464 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
1465 or

1466 (c) the entity has filed with the county a request for notice during the same calendar  
1467 year and before the county provides notice to an affected entity in compliance with a  
1468 requirement imposed under this chapter.

1469 (4) "Affected owner" means the owner of real property that is:

1470 (a) a single project;

1471 (b) the subject of a land use approval that sponsors of a referendum timely challenged  
1472 in accordance with Subsection [20A-7-601](#)~~(5)~~(6); and

1473 (c) determined to be legally referable under Section [20A-7-602.8](#).

1474 (5) "Appeal authority" means the person, board, commission, agency, or other body  
1475 designated by ordinance to decide an appeal of a decision of a land use application or a  
1476 variance.

1477 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
1478 residential property if the sign is designed or intended to direct attention to a business, product,  
1479 or service that is not sold, offered, or existing on the property where the sign is located.

1480 (7) (a) "Charter school" means:

1481 (i) an operating charter school;

1482 (ii) a charter school applicant that a charter school authorizer approves in accordance



1483 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1484 (iii) an entity that is working on behalf of a charter school or approved charter  
1485 applicant to develop or construct a charter school building.

1486 (b) "Charter school" does not include a therapeutic school.

1487 (8) "Chief executive officer" means the person or body that exercises the executive  
1488 powers of the county.

1489 (9) "Conditional use" means a land use that, because of the unique characteristics or  
1490 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,  
1491 may not be compatible in some areas or may be compatible only if certain conditions are  
1492 required that mitigate or eliminate the detrimental impacts.

1493 (10) "Constitutional taking" means a governmental action that results in a taking of  
1494 private property so that compensation to the owner of the property is required by the:

1495 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1496 (b) Utah Constitution, Article I, Section 22.

1497 (11) "County utility easement" means an easement that:

1498 (a) a plat recorded in a county recorder's office described as a county utility easement  
1499 or otherwise as a utility easement;

1500 (b) is not a protected utility easement or a public utility easement as defined in Section  
1501 54-3-27;

1502 (c) the county or the county's affiliated governmental entity owns or creates; and

1503 (d) (i) either:

1504 (A) no person uses or occupies; or

1505 (B) the county or the county's affiliated governmental entity uses and occupies to  
1506 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or  
1507 communications or data lines; or

1508 (ii) a person uses or occupies with or without an authorized franchise or other  
1509 agreement with the county.

1510 (12) "Culinary water authority" means the department, agency, or public entity with  
1511 responsibility to review and approve the feasibility of the culinary water system and sources for  
1512 the subject property.

1513 (13) "Development activity" means:

1514 (a) any construction or expansion of a building, structure, or use that creates additional  
1515 demand and need for public facilities;

1516 (b) any change in use of a building or structure that creates additional demand and need  
1517 for public facilities; or

1518 (c) any change in the use of land that creates additional demand and need for public  
1519 facilities.

1520 (14) (a) "Development agreement" means a written agreement or amendment to a  
1521 written agreement between a county and one or more parties that regulates or controls the use  
1522 or development of a specific area of land.

1523 (b) "Development agreement" does not include an improvement completion assurance.

1524 (15) (a) "Disability" means a physical or mental impairment that substantially limits  
1525 one or more of a person's major life activities, including a person having a record of such an  
1526 impairment or being regarded as having such an impairment.

1527 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
1528 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
1529 Sec. 802.

1530 (16) "Educational facility":

1531 (a) means:

1532 (i) a school district's building at which pupils assemble to receive instruction in a  
1533 program for any combination of grades from preschool through grade 12, including  
1534 kindergarten and a program for children with disabilities;

1535 (ii) a structure or facility:

1536 (A) located on the same property as a building described in Subsection (16)(a)(i); and

1537 (B) used in support of the use of that building; and

1538 (iii) a building to provide office and related space to a school district's administrative  
1539 personnel; and

1540 (b) does not include:

1541 (i) land or a structure, including land or a structure for inventory storage, equipment  
1542 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1543 (A) not located on the same property as a building described in Subsection (16)(a)(i);

1544 and

1545 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or  
1546 (ii) a therapeutic school.

1547 (17) "Fire authority" means the department, agency, or public entity with responsibility  
1548 to review and approve the feasibility of fire protection and suppression services for the subject  
1549 property.

1550 (18) "Flood plain" means land that:

1551 (a) is within the 100-year flood plain designated by the Federal Emergency  
1552 Management Agency; or

1553 (b) has not been studied or designated by the Federal Emergency Management Agency  
1554 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
1555 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
1556 Federal Emergency Management Agency.

1557 (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

1558 (20) "General plan" means a document that a county adopts that sets forth general  
1559 guidelines for proposed future development of:

1560 (a) the unincorporated land within the county; or

1561 (b) for a mountainous planning district, the land within the mountainous planning  
1562 district.

1563 (21) "Geologic hazard" means:

1564 (a) a surface fault rupture;

1565 (b) shallow groundwater;

1566 (c) liquefaction;

1567 (d) a landslide;

1568 (e) a debris flow;

1569 (f) unstable soil;

1570 (g) a rock fall; or

1571 (h) any other geologic condition that presents a risk:

1572 (i) to life;

1573 (ii) of substantial loss of real property; or

1574 (iii) of substantial damage to real property.

1575 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,

1576 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
1577 system.

1578 (23) "Identical plans" means building plans submitted to a county that:

1579 (a) are clearly marked as "identical plans";

1580 (b) are substantially identical building plans that were previously submitted to and  
1581 reviewed and approved by the county; and

1582 (c) describe a building that:

1583 (i) is located on land zoned the same as the land on which the building described in the  
1584 previously approved plans is located;

1585 (ii) is subject to the same geological and meteorological conditions and the same law  
1586 as the building described in the previously approved plans;

1587 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
1588 and approved by the county; and

1589 (iv) does not require any additional engineering or analysis.

1590 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
1591 Impact Fees Act.

1592 (25) "Improvement completion assurance" means a surety bond, letter of credit,  
1593 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
1594 by a county to guaranty the proper completion of landscaping or an infrastructure improvement  
1595 required as a condition precedent to:

1596 (a) recording a subdivision plat; or

1597 (b) development of a commercial, industrial, mixed use, or multifamily project.

1598 (26) "Improvement warranty" means an applicant's unconditional warranty that the  
1599 applicant's installed and accepted landscaping or infrastructure improvement:

1600 (a) complies with the county's written standards for design, materials, and  
1601 workmanship; and

1602 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
1603 within the improvement warranty period.

1604 (27) "Improvement warranty period" means a period:

1605 (a) no later than one year after a county's acceptance of required landscaping; or

1606 (b) no later than one year after a county's acceptance of required infrastructure, unless

1607 the county:

1608 (i) determines for good cause that a one-year period would be inadequate to protect the  
1609 public health, safety, and welfare; and

1610 (ii) has substantial evidence, on record:

1611 (A) of prior poor performance by the applicant; or

1612 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
1613 and the county has not otherwise required the applicant to mitigate the suspect soil.

1614 (28) "Infrastructure improvement" means permanent infrastructure that is essential for  
1615 the public health and safety or that:

1616 (a) is required for human consumption; and

1617 (b) an applicant must install:

1618 (i) in accordance with published installation and inspection specifications for public  
1619 improvements; and

1620 (ii) as a condition of:

1621 (A) recording a subdivision plat;

1622 (B) obtaining a building permit; or

1623 (C) developing a commercial, industrial, mixed use, condominium, or multifamily  
1624 project.

1625 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted  
1626 designation that:

1627 (a) runs with the land; and

1628 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
1629 the plat; or

1630 (ii) designates a development condition that is enclosed within the perimeter of a lot  
1631 described on the plat.

1632 (30) "Interstate pipeline company" means a person or entity engaged in natural gas  
1633 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
1634 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1635 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas  
1636 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
1637 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1638 (32) "Land use applicant" means a property owner, or the property owner's designee,  
1639 who submits a land use application regarding the property owner's land.

1640 (33) "Land use application":

1641 (a) means an application that is:

1642 (i) required by a county; and

1643 (ii) submitted by a land use applicant to obtain a land use decision; and

1644 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1645 (34) "Land use authority" means:

1646 (a) a person, board, commission, agency, or body, including the local legislative body,  
1647 designated by the local legislative body to act upon a land use application; or

1648 (b) if the local legislative body has not designated a person, board, commission,  
1649 agency, or body, the local legislative body.

1650 (35) "Land use decision" means an administrative decision of a land use authority or  
1651 appeal authority regarding:

1652 (a) a land use permit;

1653 (b) a land use application; or

1654 (c) the enforcement of a land use regulation, land use permit, or development  
1655 agreement.

1656 (36) "Land use permit" means a permit issued by a land use authority.

1657 (37) "Land use regulation":

1658 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
1659 specification, fee, or rule that governs the use or development of land;

1660 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
1661 and

1662 (c) does not include:

1663 (i) a land use decision of the legislative body acting as the land use authority, even if  
1664 the decision is expressed in a resolution or ordinance; or

1665 (ii) a temporary revision to an engineering specification that does not materially:

1666 (A) increase a land use applicant's cost of development compared to the existing  
1667 specification; or

1668 (B) impact a land use applicant's use of land.

1669 (38) "Legislative body" means the county legislative body, or for a county that has  
1670 adopted an alternative form of government, the body exercising legislative powers.

1671 (39) "Local district" means any entity under Title 17B, Limited Purpose Local  
1672 Government Entities - Local Districts, and any other governmental or quasi-governmental  
1673 entity that is not a county, municipality, school district, or the state.

1674 (40) "Lot" means a tract of land, regardless of any label, that is created by and shown  
1675 on a subdivision plat that has been recorded in the office of the county recorder.

1676 (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
1677 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):

1678 (i) whether or not the lots are located in the same subdivision; and

1679 (ii) with the consent of the owners of record.

1680 (b) "Lot line adjustment" does not mean a new boundary line that:

1681 (i) creates an additional lot; or

1682 (ii) constitutes a subdivision.

1683 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
1684 Department of Transportation.

1685 (42) "Major transit investment corridor" means public transit service that uses or  
1686 occupies:

1687 (a) public transit rail right-of-way;

1688 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1689 or

1690 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
1691 municipality or county and:

1692 (i) a public transit district as defined in Section [17B-2a-802](#); or

1693 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

1694 (43) "Moderate income housing" means housing occupied or reserved for occupancy  
1695 by households with a gross household income equal to or less than 80% of the median gross  
1696 income for households of the same size in the county in which the housing is located.

1697 (44) "Mountainous planning district" means an area designated by a county legislative  
1698 body in accordance with Section [17-27a-901](#).

1699 (45) "Nominal fee" means a fee that reasonably reimburses a county only for time spent

1700 and expenses incurred in:

1701 (a) verifying that building plans are identical plans; and

1702 (b) reviewing and approving those minor aspects of identical plans that differ from the  
1703 previously reviewed and approved building plans.

1704 (46) "Noncomplying structure" means a structure that:

1705 (a) legally existed before the structure's current land use designation; and

1706 (b) because of one or more subsequent land use ordinance changes, does not conform  
1707 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
1708 the use of land.

1709 (47) "Nonconforming use" means a use of land that:

1710 (a) legally existed before the current land use designation;

1711 (b) has been maintained continuously since the time the land use ordinance regulation  
1712 governing the land changed; and

1713 (c) because of one or more subsequent land use ordinance changes, does not conform  
1714 to the regulations that now govern the use of the land.

1715 (48) "Official map" means a map drawn by county authorities and recorded in the  
1716 county recorder's office that:

1717 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
1718 highways and other transportation facilities;

1719 (b) provides a basis for restricting development in designated rights-of-way or between  
1720 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
1721 the land; and

1722 (c) has been adopted as an element of the county's general plan.

1723 (49) "Parcel" means any real property that is not a lot.

1724 (50) (a) "Parcel boundary adjustment" means a recorded agreement between owners of  
1725 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line  
1726 agreement in accordance with Section [17-27a-523](#), if no additional parcel is created and:

1727 (i) none of the property identified in the agreement is a lot; or

1728 (ii) the adjustment is to the boundaries of a single person's parcels.

1729 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary  
1730 line that:



1731 (i) creates an additional parcel; or

1732 (ii) constitutes a subdivision.

1733 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by  
1734 the Department of Transportation.

1735 (51) "Person" means an individual, corporation, partnership, organization, association,  
1736 trust, governmental agency, or any other legal entity.

1737 (52) "Plan for moderate income housing" means a written document adopted by a  
1738 county legislative body that includes:

1739 (a) an estimate of the existing supply of moderate income housing located within the  
1740 county;

1741 (b) an estimate of the need for moderate income housing in the county for the next five  
1742 years;

1743 (c) a survey of total residential land use;

1744 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
1745 income housing; and

1746 (e) a description of the county's program to encourage an adequate supply of moderate  
1747 income housing.

1748 (53) "Planning advisory area" means a contiguous, geographically defined portion of  
1749 the unincorporated area of a county established under this part with planning and zoning  
1750 functions as exercised through the planning advisory area planning commission, as provided in  
1751 this chapter, but with no legal or political identity separate from the county and no taxing  
1752 authority.

1753 (54) "Plat" means an instrument subdividing property into lots as depicted on a map or  
1754 other graphical representation of lands that a licensed professional land surveyor makes and  
1755 prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

1756 (55) "Potential geologic hazard area" means an area that:

1757 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
1758 relevant map or report as needing further study to determine the area's potential for geologic  
1759 hazard; or

1760 (b) has not been studied by the Utah Geological Survey or a county geologist but  
1761 presents the potential of geologic hazard because the area has characteristics similar to those of

- 1762 a designated geologic hazard area.
- 1763 (56) "Public agency" means:
- 1764 (a) the federal government;
- 1765 (b) the state;
- 1766 (c) a county, municipality, school district, local district, special service district, or other
- 1767 political subdivision of the state; or
- 1768 (d) a charter school.
- 1769 (57) "Public hearing" means a hearing at which members of the public are provided a
- 1770 reasonable opportunity to comment on the subject of the hearing.
- 1771 (58) "Public meeting" means a meeting that is required to be open to the public under
- 1772 Title 52, Chapter 4, Open and Public Meetings Act.
- 1773 (59) "Public street" means a public right-of-way, including a public highway, public
- 1774 avenue, public boulevard, public parkway, public road, public lane, public alley, public
- 1775 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
- 1776 easement, or other public way.
- 1777 (60) "Receiving zone" means an unincorporated area of a county that the county
- 1778 designates, by ordinance, as an area in which an owner of land may receive a transferable
- 1779 development right.
- 1780 (61) "Record of survey map" means a map of a survey of land prepared in accordance
- 1781 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).
- 1782 (62) "Residential facility for persons with a disability" means a residence:
- 1783 (a) in which more than one person with a disability resides; and
- 1784 (b) (i) which is licensed or certified by the Department of Human Services under Title
- 1785 62A, Chapter 2, Licensure of Programs and Facilities; or
- 1786 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
- 1787 21, Health Care Facility Licensing and Inspection Act.
- 1788 (63) "Rules of order and procedure" means a set of rules that govern and prescribe in a
- 1789 public meeting:
- 1790 (a) parliamentary order and procedure;
- 1791 (b) ethical behavior; and
- 1792 (c) civil discourse.

1793 (64) "Sanitary sewer authority" means the department, agency, or public entity with  
1794 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
1795 wastewater systems.

1796 (65) "Sending zone" means an unincorporated area of a county that the county  
1797 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
1798 development right.

1799 (66) "Site plan" means a document or map that may be required by a county during a  
1800 preliminary review preceding the issuance of a building permit to demonstrate that an owner's  
1801 or developer's proposed development activity meets a land use requirement.

1802 (67) "Specified public agency" means:

1803 (a) the state;

1804 (b) a school district; or

1805 (c) a charter school.

1806 (68) "Specified public utility" means an electrical corporation, gas corporation, or  
1807 telephone corporation, as those terms are defined in Section [54-2-1](#).

1808 (69) "State" includes any department, division, or agency of the state.

1809 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
1810 divided into two or more lots or other division of land for the purpose, whether immediate or  
1811 future, for offer, sale, lease, or development either on the installment plan or upon any and all  
1812 other plans, terms, and conditions.

1813 (b) "Subdivision" includes:

1814 (i) the division or development of land, whether by deed, metes and bounds  
1815 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
1816 the division includes all or a portion of a parcel or lot; and

1817 (ii) except as provided in Subsection (70)(c), divisions of land for residential and  
1818 nonresidential uses, including land used or to be used for commercial, agricultural, and  
1819 industrial purposes.

1820 (c) "Subdivision" does not include:

1821 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1822 (ii) a boundary line agreement recorded with the county recorder's office between  
1823 owners of adjoining parcels adjusting the mutual boundary in accordance with Section

- 1824 [17-27a-523](#) if no new lot is created;
- 1825 (iii) a recorded document, executed by the owner of record:
- 1826 (A) revising the legal descriptions of multiple parcels into one legal description
- 1827 encompassing all such parcels; or
- 1828 (B) joining a lot to a parcel;
- 1829 (iv) a bona fide division or partition of land in a county other than a first class county
- 1830 for the purpose of siting, on one or more of the resulting separate parcels:
- 1831 (A) an electrical transmission line or a substation;
- 1832 (B) a natural gas pipeline or a regulation station; or
- 1833 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1834 utility service regeneration, transformation, retransmission, or amplification facility;
- 1835 (v) a boundary line agreement between owners of adjoining subdivided properties
- 1836 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)
- 1837 if:
- 1838 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1839 (B) the adjustment will not violate any applicable land use ordinance;
- 1840 (vi) a bona fide division of land by deed or other instrument if the deed or other
- 1841 instrument states in writing that the division:
- 1842 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1843 (B) does not confer any land use approvals; and
- 1844 (C) has not been approved by the land use authority;
- 1845 (vii) a parcel boundary adjustment;
- 1846 (viii) a lot line adjustment;
- 1847 (ix) a road, street, or highway dedication plat;
- 1848 (x) a deed or easement for a road, street, or highway purpose; or
- 1849 (xi) any other division of land authorized by law.
- 1850 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
- 1851 accordance with Section [17-27a-608](#) that:
- 1852 (a) vacates all or a portion of the subdivision;
- 1853 (b) alters the outside boundary of the subdivision;
- 1854 (c) changes the number of lots within the subdivision;

1855 (d) alters a public right-of-way, a public easement, or public infrastructure within the  
1856 subdivision; or

1857 (e) alters a common area or other common amenity within the subdivision.

1858 (72) "Substantial evidence" means evidence that:

1859 (a) is beyond a scintilla; and

1860 (b) a reasonable mind would accept as adequate to support a conclusion.

1861 (73) "Suspect soil" means soil that has:

1862 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1863 3% swell potential;

1864 (b) bedrock units with high shrink or swell susceptibility; or

1865 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1866 commonly associated with dissolution and collapse features.

1867 (74) "Therapeutic school" means a residential group living facility:

1868 (a) for four or more individuals who are not related to:

1869 (i) the owner of the facility; or

1870 (ii) the primary service provider of the facility;

1871 (b) that serves students who have a history of failing to function:

1872 (i) at home;

1873 (ii) in a public school; or

1874 (iii) in a nonresidential private school; and

1875 (c) that offers:

1876 (i) room and board; and

1877 (ii) an academic education integrated with:

1878 (A) specialized structure and supervision; or

1879 (B) services or treatment related to a disability, an emotional development, a  
1880 behavioral development, a familial development, or a social development.

1881 (75) "Transferable development right" means a right to develop and use land that  
1882 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
1883 land use rights from a designated sending zone to a designated receiving zone.

1884 (76) "Unincorporated" means the area outside of the incorporated area of a  
1885 municipality.

- 1886 (77) "Water interest" means any right to the beneficial use of water, including:  
1887 (a) each of the rights listed in Section 73-1-11; and  
1888 (b) an ownership interest in the right to the beneficial use of water represented by:  
1889 (i) a contract; or  
1890 (ii) a share in a water company, as defined in Section 73-3-3.5.  
1891 (78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
1892 land use zones, overlays, or districts.

1893 Section 11. Section 17-27a-401 is amended to read:

1894 **17-27a-401. General plan required -- Content -- Resource management plan --**  
1895 **Provisions related to radioactive waste facility.**

1896 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a  
1897 comprehensive, long-range general plan:

- 1898 (a) for present and future needs of the county;  
1899 (b) (i) for growth and development of all or any part of the land within the  
1900 unincorporated portions of the county; or  
1901 (ii) if a county has designated a mountainous planning district, for growth and  
1902 development of all or any part of the land within the mountainous planning district; and  
1903 (c) as a basis for communicating and coordinating with the federal government on land  
1904 and resource management issues.

1905 (2) To promote health, safety, and welfare, the general plan may provide for:

- 1906 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
1907 activities, aesthetics, and recreational, educational, and cultural opportunities;  
1908 (b) the reduction of the waste of physical, financial, or human resources that result  
1909 from either excessive congestion or excessive scattering of population;  
1910 (c) the efficient and economical use, conservation, and production of the supply of:  
1911 (i) food and water; and  
1912 (ii) drainage, sanitary, and other facilities and resources;  
1913 (d) the use of energy conservation and solar and renewable energy resources;  
1914 (e) the protection of urban development;  
1915 (f) the protection and promotion of air quality;  
1916 (g) historic preservation;

1917 (h) identifying future uses of land that are likely to require an expansion or significant  
1918 modification of services or facilities provided by each affected entity; and

1919 (i) an official map.

1920 [~~(3) (a) The general plan shall:~~]

1921 [~~(i) allow and plan for moderate income housing growth; and]~~

1922 (3) (a) (i) The general plan of a specified county, as defined in Section [17-27a-408](#),  
1923 shall include a moderate income housing element that meets the requirements of Subsection  
1924 [17-27a-403\(2\)\(a\)\(iii\)](#).

1925 [~~(ii) contain a resource management plan for the public lands, as defined in Section~~  
1926 ~~[63L-6-102](#), within the county.]~~

1927 [~~(b)~~] (ii) On or before [~~December 1, 2019, a~~] October 1, 2022, a specified county, as  
1928 defined in Section [17-27a-408](#), with a general plan that does not comply with Subsection  
1929 (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

1930 (b) The general plan shall contain a resource management plan for the public lands, as  
1931 defined in Section [63L-6-102](#), within the county.

1932 (c) The resource management plan described in Subsection [~~(3)(a)(ii)~~] (3)(b) shall  
1933 address:

1934 (i) mining;

1935 (ii) land use;

1936 (iii) livestock and grazing;

1937 (iv) irrigation;

1938 (v) agriculture;

1939 (vi) fire management;

1940 (vii) noxious weeds;

1941 (viii) forest management;

1942 (ix) water rights;

1943 (x) ditches and canals;

1944 (xi) water quality and hydrology;

1945 (xii) flood plains and river terraces;

1946 (xiii) wetlands;

1947 (xiv) riparian areas;

- 1948 (xv) predator control;
- 1949 (xvi) wildlife;
- 1950 (xvii) fisheries;
- 1951 (xviii) recreation and tourism;
- 1952 (xix) energy resources;
- 1953 (xx) mineral resources;
- 1954 (xxi) cultural, historical, geological, and paleontological resources;
- 1955 (xxii) wilderness;
- 1956 (xxiii) wild and scenic rivers;
- 1957 (xxiv) threatened, endangered, and sensitive species;
- 1958 (xxv) land access;
- 1959 (xxvi) law enforcement;
- 1960 (xxvii) economic considerations; and
- 1961 (xxviii) air.
- 1962 (d) For each item listed under Subsection (3)(c), a county's resource management plan
- 1963 shall:
- 1964 (i) establish findings pertaining to the item;
- 1965 (ii) establish defined objectives; and
- 1966 (iii) outline general policies and guidelines on how the objectives described in
- 1967 Subsection (3)(d)(ii) are to be accomplished.
- 1968 (4) (a) (i) The general plan shall include specific provisions related to any areas within,
- 1969 or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
- 1970 county, which are proposed for the siting of a storage facility or transfer facility for the
- 1971 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
- 1972 these wastes are defined in Section [19-3-303](#).
- 1973 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the
- 1974 proposed site upon the health and general welfare of citizens of the state, and shall provide:
- 1975 ~~[(i)]~~ (A) the information identified in Section [19-3-305](#);
- 1976 ~~[(ii)]~~ (B) information supported by credible studies that demonstrates that the
- 1977 provisions of Subsection [19-3-307\(2\)](#) have been satisfied; and
- 1978 ~~[(iii)]~~ (C) specific measures to mitigate the effects of high-level nuclear waste and



1979 greater than class C radioactive waste and guarantee the health and safety of the citizens of the  
1980 state.

1981 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
1982 indicating that all proposals for the siting of a storage facility or transfer facility for the  
1983 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
1984 partially within the county are rejected.

1985 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1986 (d) The county shall send a certified copy of the ordinance described in Subsection  
1987 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
1988 within 30 days of enactment.

1989 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

1990 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

1991 (ii) send a certified copy of the repeal to the executive director of the Department of  
1992 Environmental Quality by certified mail within 30 days after the repeal.

1993 (5) The general plan may define the county's local customs, local culture, and the  
1994 components necessary for the county's economic stability.

1995 (6) Subject to Subsection 17-27a-403(2), the county may determine the  
1996 comprehensiveness, extent, and format of the general plan.

1997 (7) If a county has designated a mountainous planning district, the general plan for the  
1998 mountainous planning district is the controlling plan.

1999 (8) Nothing in this part may be construed to limit the authority of the state to manage  
2000 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

2001 Section 12. Section 17-27a-403 is amended to read:

2002 **17-27a-403. Plan preparation.**

2003 (1) (a) The planning commission shall provide notice, as provided in Section  
2004 17-27a-203, of [its] the planning commission's intent to make a recommendation to the county  
2005 legislative body for a general plan or a comprehensive general plan amendment when the  
2006 planning commission initiates the process of preparing [its] the planning commission's  
2007 recommendation.

2008 (b) The planning commission shall make and recommend to the legislative body a  
2009 proposed general plan for:

2010 (i) the unincorporated area within the county; or  
2011 (ii) if the planning commission is a planning commission for a mountainous planning  
2012 district, the mountainous planning district.

2013 (c) (i) The plan may include planning for incorporated areas if, in the planning  
2014 commission's judgment, they are related to the planning of the unincorporated territory or of  
2015 the county as a whole.

2016 (ii) Elements of the county plan that address incorporated areas are not an official plan  
2017 or part of a municipal plan for any municipality, unless the county plan is recommended by the  
2018 municipal planning commission and adopted by the governing body of the municipality.

2019 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
2020 and descriptive and explanatory matter, shall include the planning commission's  
2021 recommendations for the following plan elements:

2022 (i) a land use element that:

2023 (A) designates the long-term goals and the proposed extent, general distribution, and  
2024 location of land for housing for residents of various income levels, business, industry,  
2025 agriculture, recreation, education, public buildings and grounds, open space, and other  
2026 categories of public and private uses of land as appropriate; and

2027 (B) ~~[may include]~~ includes a statement of the projections for and standards of  
2028 population density and building intensity recommended for the various land use categories  
2029 covered by the plan;

2030 (ii) a transportation and traffic circulation element that:

2031 (A) provides the general location and extent of existing and proposed freeways, arterial  
2032 and collector streets, public transit, active transportation facilities, and other modes of  
2033 transportation that the planning commission considers appropriate;

2034 (B) addresses the county's plan for residential and commercial development around  
2035 major transit investment corridors to maintain and improve the connections between housing,  
2036 employment, education, recreation, and commerce; and

2037 (C) correlates with the population projections, the employment projections, and the  
2038 proposed land use element of the general plan;

2039 ~~[(iii) a plan for the development of additional moderate income housing within the  
2040 unincorporated area of the county or the mountainous planning district, and a plan to provide a~~

2041 realistic opportunity to meet the need for additional moderate income housing; and]  
2042 (iii) for a specified county as defined in Section 17-27a-408, a moderate income  
2043 housing element that:  
2044 (A) provides a realistic opportunity to meet the need for additional moderate income  
2045 housing within the next five years;  
2046 (B) selects three or more moderate income housing strategies described in Subsection  
2047 (2)(b)(ii) for implementation; and  
2048 (C) includes an implementation plan as provided in Subsection (2)(e); and  
2049 (iv) [~~before May 1, 2017;~~] a resource management plan detailing the findings,  
2050 objectives, and policies required by Subsection 17-27a-401(3).  
2051 (b) In drafting the moderate income housing element, the planning commission:  
2052 (i) shall consider the Legislature's determination that counties should facilitate a  
2053 reasonable opportunity for a variety of housing, including moderate income housing:  
2054 (A) to meet the needs of people of various income levels living, working, or desiring to  
2055 live or work in the community; and  
2056 (B) to allow people with various incomes to benefit from and fully participate in all  
2057 aspects of neighborhood and community life; and  
2058 (ii) shall include an analysis of how the county will provide a realistic opportunity for  
2059 the development of moderate income housing within the planning horizon, [~~which may~~  
2060 ~~include~~] including a recommendation to implement three or more of the following moderate  
2061 income housing strategies:  
2062 (A) rezone for densities necessary to [~~assure~~] facilitate the production of moderate  
2063 income housing;  
2064 (B) [~~facilitate~~] demonstrate investment in the rehabilitation or expansion of  
2065 infrastructure that [~~will encourage~~] facilitates the construction of moderate income housing;  
2066 (C) [~~facilitate~~] demonstrate investment in the rehabilitation of existing uninhabitable  
2067 housing stock into moderate income housing;  
2068 (D) [~~consider~~] identify and utilize county general fund subsidies or other sources of  
2069 revenue to waive construction related fees that are otherwise generally imposed by the county  
2070 for the construction or rehabilitation of moderate income housing;  
2071 (E) create or allow for, and reduce regulations related to, internal or detached accessory

2072 dwelling units in residential zones;

2073 (F) ~~[allow]~~ zone or rezone for higher density or moderate income residential  
2074 development in commercial ~~[and]~~ or mixed-use zones, commercial centers, or employment  
2075 centers;

2076 (G) ~~[encourage]~~ amend land use regulations to allow for higher density or new  
2077 moderate income residential development in commercial or mixed-use zones near major transit  
2078 investment corridors;

2079 (H) amend land use regulations to eliminate or reduce parking requirements for  
2080 residential development where a resident is less likely to rely on the resident's own vehicle,  
2081 such as residential development near major transit investment corridors or senior living  
2082 facilities;

2083 (I) amend land use regulations to allow for single room occupancy developments;

2084 (J) implement zoning incentives for ~~[low to]~~ moderate income units in new  
2085 developments;

2086 ~~[(K) utilize strategies that preserve subsidized low to moderate income units on a~~  
2087 ~~long-term basis;]~~

2088 ~~[(L)]~~ (K) preserve existing and new moderate income housing and subsidized units by  
2089 utilizing a landlord incentive program, providing for deed restricted units through a grant  
2090 program, or establishing a housing loss mitigation fund;

2091 ~~[(M)]~~ (L) reduce, waive, or eliminate impact fees~~[- as defined in Section 11-36a-102;]~~  
2092 related to ~~[low and]~~ moderate income housing;

2093 ~~[(N) participate in]~~ (M) demonstrate creation of, or participation in, a community land  
2094 trust program for ~~[low or]~~ moderate income housing;

2095 ~~[(O)]~~ (N) implement a mortgage assistance program for employees of the county ~~[or~~  
2096 ~~of]~~, an employer that provides contracted services for the county, or any other public employer  
2097 that operates within the county;

2098 ~~[(P)]~~ (O) apply for or partner with an entity that applies for state or federal funds or tax  
2099 incentives to promote the construction of moderate income housing, an entity that applies for  
2100 programs offered by the Utah Housing Corporation within that agency's funding capacity, an  
2101 entity that applies for affordable housing programs administered by the Department of  
2102 Workforce Services, an entity that applies for services provided by a public housing authority

2103 to preserve and create moderate income housing, or any other entity that applies for programs  
2104 or services that promote the construction or preservation of moderate income housing;

2105 ~~[(Q) apply for or partner with an entity that applies for programs offered by the Utah~~  
2106 ~~Housing Corporation within that agency's funding capacity;]~~

2107 ~~[(R) apply for or partner with an entity that applies for affordable housing programs~~  
2108 ~~administered by the Department of Workforce Services;]~~

2109 ~~[(S) apply for or partner with an entity that applies for services provided by a public~~  
2110 ~~housing authority to preserve and create moderate income housing;]~~

2111 ~~[(T) apply for or partner with an entity that applies for programs administered by a~~  
2112 ~~metropolitan planning organization or other transportation agency that provides technical~~  
2113 ~~planning assistance;]~~

2114 ~~[(U) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a  
2115 community reinvestment agency, redevelopment agency, or community development and  
2116 renewal agency to create or subsidize moderate income housing; [and]

2117 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,  
2118 Part 6, Housing and Transit Reinvestment Zone Act;

2119 (R) eliminate impact fees for any accessory dwelling unit that is not an internal  
2120 accessory dwelling unit as defined in Section [10-9a-530](#);

2121 (S) create a program to transfer development rights for moderate income housing;

2122 (T) ratify a joint acquisition agreement with another local political subdivision for the  
2123 purpose of combining resources to acquire property for moderate income housing;

2124 (U) develop a moderate income housing project for residents who are disabled or 55  
2125 years old or older;

2126 (V) create or allow for, and reduce regulations related to, multifamily residential  
2127 dwelling compatible in scale and form with detached single-family residential dwellings and  
2128 located in walkable communities within residential or mixed-use zones; and

2129 ~~[(V) consider]~~ (W) demonstrate implementation of any other program or strategy  
2130 [implemented by the county] to address the housing needs of residents of the county who earn  
2131 less than 80% of the area median income, including the dedication of a local funding source to  
2132 moderate income housing or the adoption of a land use ordinance that requires 10% or more of  
2133 new residential development in a residential zone be dedicated to moderate income housing.

2134 (iii) If a specified county, as defined in Section 17-27a-408, has created a small public  
2135 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified  
2136 county shall include as part of the specified county's recommended strategies under Subsection  
2137 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

2138 (c) In drafting the land use element, the planning commission shall:

2139 (i) identify and consider each agriculture protection area within the unincorporated area  
2140 of the county or mountainous planning district; ~~and~~

2141 (ii) avoid proposing a use of land within an agriculture protection area that is  
2142 inconsistent with or detrimental to the use of the land for agriculture[-]; ~~and~~

2143 (iii) consider and coordinate with any station area plans adopted by municipalities  
2144 located within the county under Section 10-9a-403.1.

2145 (d) In drafting the transportation and traffic circulation element, the planning  
2146 commission shall:

2147 (i) ~~(A)~~ consider and coordinate with the regional transportation plan developed by ~~its~~  
2148 the region's metropolitan planning organization, if the relevant areas of the county are within  
2149 the boundaries of a metropolitan planning organization; or

2150 ~~(ii)~~ (B) consider and coordinate with the long-range transportation plan developed by  
2151 the Department of Transportation, if the relevant areas of the county are not within the  
2152 boundaries of a metropolitan planning organization[-]; ~~and~~

2153 (ii) consider and coordinate with any station area plans adopted by municipalities  
2154 located within the county under Section 10-9a-403.1.

2155 (e) (i) In drafting the implementation plan portion of the moderate income housing  
2156 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a  
2157 timeline for implementing each of the moderate income housing strategies selected by the  
2158 county for implementation.

2159 (ii) The timeline described in Subsection (2)(e)(i) shall:

2160 (A) identify specific measures and benchmarks for implementing each moderate  
2161 income housing strategy selected by the county; and

2162 (B) provide flexibility for the county to make adjustments as needed.

2163 (3) The proposed general plan may include:

2164 (a) an environmental element that addresses:

2165 (i) to the extent not covered by the county's resource management plan, the protection,  
2166 conservation, development, and use of natural resources, including the quality of air, forests,  
2167 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;  
2168 and

2169 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
2170 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
2171 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
2172 protection of watersheds and wetlands, and the mapping of known geologic hazards;

2173 (b) a public services and facilities element showing general plans for sewage, water,  
2174 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
2175 police and fire protection, and other public services;

2176 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
2177 programs for:

2178 (i) historic preservation;

2179 (ii) the diminution or elimination of a development impediment as defined in Section  
2180 [17C-1-102](#); and

2181 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
2182 public building sites;

2183 (d) an economic element composed of appropriate studies and forecasts, as well as an  
2184 economic development plan, which may include review of existing and projected county  
2185 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
2186 primary and secondary market areas, employment, and retail sales activity;

2187 (e) recommendations for implementing all or any portion of the general plan, including  
2188 the use of land use ordinances, capital improvement plans, community development and  
2189 promotion, and any other appropriate action;

2190 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or  
2191 [\(3\)\(a\)\(i\)](#); and

2192 (g) any other element the county considers appropriate.

2193 Section 13. Section [17-27a-404](#) is amended to read:

2194 **17-27a-404. Public hearing by planning commission on proposed general plan or**  
2195 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**

2196 **by legislative body.**

2197 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
2198 amend the general plan, the planning commission shall schedule and hold a public hearing on  
2199 the proposed plan or amendment.

2200 (b) The planning commission shall provide notice of the public hearing, as required by  
2201 Section [17-27a-204](#).

2202 (c) After the public hearing, the planning commission may modify the proposed  
2203 general plan or amendment.

2204 (2) The planning commission shall forward the proposed general plan or amendment to  
2205 the legislative body.

2206 (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body  
2207 shall provide notice of its intent to consider the general plan proposal.

2208 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
2209 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
2210 regarding Subsection [17-27a-401](#)(4). The hearing procedure shall comply with this Subsection  
2211 (3)(b).

2212 (ii) The hearing format shall allow adequate time for public comment at the actual  
2213 public hearing, and shall also allow for public comment in writing to be submitted to the  
2214 legislative body for not fewer than 90 days after the date of the public hearing.

2215 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
2216 Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401](#)(4) are  
2217 complete.

2218 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
2219 the state Legislature, executive director of the Department of Environmental Quality, the state  
2220 planning coordinator, the Resource Development Coordinating Committee, and any other  
2221 citizens or entities who specifically request notice in writing.

2222 (iii) Public notice shall be given by publication on the Utah Public Notice Website  
2223 created in Section [63A-16-601](#).

2224 (iv) The notice shall be published to allow reasonable time for interested parties and  
2225 the state to evaluate the information regarding the provisions of Subsection [17-27a-401](#)(4),  
2226 including publication described in Subsection (3)(c)(iii) for 180 days before the date of the



2227 hearing to be held under this Subsection (3).

2228 (4) (a) After the public hearing required under this section, the legislative body may  
2229 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

2230 (b) The legislative body shall respond in writing and in a substantive manner to all  
2231 those providing comments as a result of the hearing required by Subsection (3).

2232 (c) If the county legislative body rejects the proposed general plan or amendment, it  
2233 may provide suggestions to the planning commission for the planning commission's review and  
2234 recommendation.

2235 (5) The legislative body shall adopt:

2236 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

2237 (b) a transportation and traffic circulation element as provided in Subsection  
2238 17-27a-403(2)(a)(ii);

2239 [~~(c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to~~  
2240 ~~provide a realistic opportunity to meet the need for additional moderate income housing; and]~~

2241 (c) for a specified county as defined in Section 17-27-408, a moderate income housing  
2242 element as provided in Subsection 17-27a-403(2)(a)(iii); and

2243 (d) [~~before August 1, 2017;~~] a resource management plan as provided by Subsection  
2244 17-27a-403(2)(a)(iv).

2245 Section 14. Section 17-27a-408 is amended to read:

2246 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for**  
2247 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

2248 [(1) The legislative body of each county of the first, second, or third class, which has a  
2249 population in the county's unincorporated areas of more than 5,000 residents, shall annually:]

2250 [(a) review the moderate income housing plan element of the county's general plan and  
2251 implementation of that element of the general plan;]

2252 [(b) prepare a report on the findings of the review described in Subsection (1)(a); and]

2253 [(c) post the report described in Subsection (1)(b) on the county's website.]

2254 [(2) The report described in Subsection (1) shall include:]

2255 [(a) a revised estimate of the need for moderate income housing in the unincorporated  
2256 areas of the county for the next five years;]

2257 [(b) a description of progress made within the unincorporated areas of the county to

2258 ~~provide moderate income housing demonstrated by analyzing and publishing data on the~~  
2259 ~~number of housing units in the county that are at or below:]~~

2260 ~~[(i) 80% of the adjusted median family income;]~~

2261 ~~[(ii) 50% of the adjusted median family income; and]~~

2262 ~~[(iii) 30% of the adjusted median family income;]~~

2263 ~~[(c) a description of any efforts made by the county to utilize a moderate income~~  
2264 ~~housing set-aside from a community reinvestment agency, redevelopment agency, or a~~  
2265 ~~community development and renewal agency; and]~~

2266 ~~[(d) a description of how the county has implemented any of the recommendations~~  
2267 ~~related to moderate income housing described in Subsection [17-27a-403\(2\)\(b\)\(ii\)](#).]~~

2268 ~~[(3) The legislative body of each county described in Subsection (1) shall send a copy~~  
2269 ~~of the report under Subsection (1) to the Department of Workforce Services, the association of~~  
2270 ~~governments in which the county is located, and, if the unincorporated area of the county is~~  
2271 ~~located within the boundaries of a metropolitan planning organization, the appropriate~~  
2272 ~~metropolitan planning organization.] (1) As used in this section:~~

2273 ~~(a) "Division" means the Housing and Community Development Division within the~~  
2274 ~~Department of Workforce Services.~~

2275 ~~(b) "Implementation plan" means the implementation plan adopted as part of the~~  
2276 ~~moderate income housing element of a specified county's general plan as provided in~~  
2277 ~~Subsection [10-9a-403\(2\)\(c\)](#).~~

2278 ~~(c) "Moderate income housing report" or "report" means the report described in~~  
2279 ~~Subsection (2)(a).~~

2280 ~~(d) "Moderate income housing strategy" means a strategy described in Subsection~~  
2281 ~~[17-27a-403\(2\)\(b\)\(ii\)](#).~~

2282 ~~(e) "Specified county" means a county of the first, second, or third class, which has a~~  
2283 ~~population of more than 5,000 in the county's unincorporated areas.~~

2284 ~~(2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative~~  
2285 ~~body of a specified county shall annually submit a written moderate income housing report to~~  
2286 ~~the division.~~

2287 ~~(b) The moderate income housing report submitted in 2022 shall include:~~

2288 ~~(i) a description of each moderate income housing strategy selected by the specified~~

2289 county for implementation; and  
2290 (ii) an implementation plan.  
2291 (c) The moderate income housing report submitted in each calendar year after 2022  
2292 shall include:  
2293 (i) the information required under Subsection (2)(b);  
2294 (ii) a description of each action, whether one-time or ongoing, taken by the specified  
2295 county during the previous fiscal year to implement the moderate income housing strategies  
2296 selected by the specified county for implementation;  
2297 (iii) a description of each land use regulation or land use decision made by the  
2298 specified county during the previous fiscal year to implement the moderate income housing  
2299 strategies, including an explanation of how the land use regulation or land use decision  
2300 supports the specified county's efforts to implement the moderate income housing strategies;  
2301 (iv) a description of any barriers encountered by the specified county in the previous  
2302 fiscal year in implementing the moderate income housing strategies; and  
2303 (v) information regarding the number of internal and external or detached accessory  
2304 dwelling units located within the specified county for which the specified county:  
2305 (A) issued a building permit to construct; or  
2306 (B) issued a business license to rent;  
2307 (vi) a description of how the market has responded to the selected moderate income  
2308 housing strategies, including the number of entitled moderate income housing units or other  
2309 relevant data; and  
2310 (vii) any recommendations on how the state can support the specified county in  
2311 implementing the moderate income housing strategies.  
2312 (d) The moderate income housing report shall be in a form:  
2313 (i) approved by the division; and  
2314 (ii) made available by the division on or before July 1 of the year in which the report is  
2315 required.  
2316 (3) Within 90 days after the day on which the division receives a specified county's  
2317 moderate income housing report, the division shall:  
2318 (a) post the report on the division's website;  
2319 (b) send a copy of the report to the Department of Transportation, the Governor's

2320 Office of Planning and Budget, the association of governments in which the specified county is  
2321 located, and, if the unincorporated area of the specified county is located within the boundaries  
2322 of a metropolitan planning organization, the appropriate metropolitan planning organization;  
2323 and

2324 (c) subject to Subsection (4), review the report to determine compliance with  
2325 Subsection (2).

2326 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the  
2327 report:

2328 (i) includes the information required under Subsection (2)(b);

2329 (ii) demonstrates to the division that the specified county made plans to implement  
2330 three or more moderate income housing strategies; and

2331 (iii) is in a form approved by the division.

2332 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the  
2333 report:

2334 (i) includes the information required under Subsection (2)(c);

2335 (ii) demonstrates to the division that the specified county made plans to implement  
2336 three or more moderate income housing strategies;

2337 (iii) is in a form approved by the division; and

2338 (iv) provides sufficient information for the division to:

2339 (A) assess the specified county's progress in implementing the moderate income  
2340 housing strategies;

2341 (B) monitor compliance with the specified county's implementation plan;

2342 (C) identify a clear correlation between the specified county's land use decisions and  
2343 efforts to implement the moderate income housing strategies; and

2344 (D) identify how the market has responded to the specified county's selected moderate  
2345 income housing strategies.

2346 (5) (a) A specified county qualifies for priority consideration under this Subsection (5)  
2347 if the specified county's moderate income housing report:

2348 (i) complies with Subsection (2); and

2349 (ii) demonstrates to the division that the specified county made plans to implement five  
2350 or more moderate income housing strategies.

2351 (b) The following apply to a specified county described in Subsection (5)(a) during the  
2352 fiscal year immediately following the fiscal year in which the report is required:

2353 (i) the Transportation Commission may give priority consideration to transportation  
2354 projects located within the unincorporated areas of the specified county in accordance with  
2355 Subsection [72-1-304\(3\)\(c\)](#); and

2356 (ii) the Governor's Office of Planning and Budget may give priority consideration for  
2357 awarding financial grants to the specified county under the COVID-19 Local Assistance  
2358 Matching Grant Program in accordance with Subsection [63J-4-802\(6\)](#).

2359 (c) Upon determining that a specified county qualifies for priority consideration under  
2360 this Subsection (5), the division shall send a notice of prioritization to the legislative body of  
2361 the specified county, the Department of Transportation, and the Governor's Office of Planning  
2362 and Budget.

2363 (d) The notice described in Subsection (5)(c) shall:

2364 (i) name the specified county that qualifies for priority consideration;

2365 (ii) describe the funds or projects for which the specified county qualifies to receive  
2366 priority consideration;

2367 (iii) specify the fiscal year during which the specified county qualifies for priority  
2368 consideration; and

2369 (iv) state the basis for the division's determination that the specified county qualifies  
2370 for priority consideration.

2371 (6) (a) If the division, after reviewing a specified county's moderate income housing  
2372 report, determines that the report does not comply with Subsection (2), the division shall send a  
2373 notice of noncompliance to the legislative body of the specified county.

2374 (b) The notice described in Subsection (6)(a) shall:

2375 (i) describe each deficiency in the report and the actions needed to cure each  
2376 deficiency;

2377 (ii) state that the specified county has an opportunity to cure the deficiencies within 90  
2378 days after the day on which the notice is sent; and

2379 (iii) state that failure to cure the deficiencies within 90 days after the day on which the  
2380 notice is sent will result in ineligibility for funds under Subsection (7).

2381 (7) (a) A specified county is ineligible for funds under this Subsection (7) if the

2382 specified county:

2383 (i) fails to submit a moderate income housing report to the division; or

2384 (ii) fails to cure the deficiencies in the specified county's moderate income housing  
2385 report within 90 days after the day on which the division sent to the specified county a notice of  
2386 noncompliance under Subsection (6).

2387 (b) The following apply to a specified county described in Subsection (7)(a) during the  
2388 fiscal year immediately following the fiscal year in which the report is required:

2389 (i) the executive director of the Department of Transportation may not program funds  
2390 from the Transportation Investment Fund of 2005, including the Transit Transportation  
2391 Investment Fund, to projects located within the unincorporated areas of the specified county in  
2392 accordance with Subsection [72-2-124\(6\)](#); and

2393 (ii) the Governor's Office of Planning and Budget may not award financial grants to the  
2394 specified county under the COVID-19 Local Assistance Matching Grant Program in  
2395 accordance with Subsection [63J-4-802\(7\)](#).

2396 (c) Upon determining that a specified county is ineligible for funds under this  
2397 Subsection (7), the division shall send a notice of ineligibility to the legislative body of the  
2398 specified county, the Department of Transportation, and the Governor's Office of Planning and  
2399 Budget.

2400 (d) The notice described in Subsection (7)(c) shall:

2401 (i) name the specified county that is ineligible for funds;

2402 (ii) describe the funds for which the specified county is ineligible to receive;

2403 (iii) specify the fiscal year during which the specified county is ineligible for funds;

2404 and

2405 (iv) state the basis for the division's determination that the specified county is ineligible  
2406 for funds.

2407 [~~(4)~~] (8) In a civil action seeking enforcement or claiming a violation of this section or  
2408 of Subsection [17-27a-404\(5\)\(c\)](#), a plaintiff may not recover damages but may be awarded only  
2409 injunctive or other equitable relief.

2410 Section 15. Section **17-27a-508** is amended to read:

2411 **17-27a-508. Applicant's entitlement to land use application approval --**

2412 **Application relating to land in a high priority transportation corridor -- County's**

2413 **requirements and limitations -- Vesting upon submission of development plan and**  
2414 **schedule.**

2415 (1) (a) (i) An applicant who has submitted a complete land use application, including  
2416 the payment of all application fees, is entitled to substantive review of the application under the  
2417 land use regulations:

2418 (A) in effect on the date that the application is complete; and

2419 (B) applicable to the application or to the information shown on the submitted  
2420 application.

2421 (ii) An applicant is entitled to approval of a land use application if the application  
2422 conforms to the requirements of the applicable land use regulations, land use decisions, and  
2423 development standards in effect when the applicant submits a complete application and pays all  
2424 application fees, unless:

2425 (A) the land use authority, on the record, formally finds that a compelling,  
2426 countervailing public interest would be jeopardized by approving the application and specifies  
2427 the compelling, countervailing public interest in writing; or

2428 (B) in the manner provided by local ordinance and before the applicant submits the  
2429 application, the county formally initiates proceedings to amend the county's land use  
2430 regulations in a manner that would prohibit approval of the application as submitted.

2431 (b) The county shall process an application without regard to proceedings the county  
2432 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

2433 (i) 180 days have passed since the county initiated the proceedings; and

2434 (ii) the proceedings have not resulted in an enactment that prohibits approval of the  
2435 application as submitted.

2436 (c) A land use application is considered submitted and complete when the applicant  
2437 provides the application in a form that complies with the requirements of applicable ordinances  
2438 and pays all applicable fees.

2439 (d) The continuing validity of an approval of a land use application is conditioned upon  
2440 the applicant proceeding after approval to implement the approval with reasonable diligence.

2441 (e) A county may not impose on an applicant who has submitted a complete  
2442 application a requirement that is not expressed:

2443 (i) in this chapter;

2444 (ii) in a county ordinance; or  
2445 (iii) in a county specification for public improvements applicable to a subdivision or  
2446 development that is in effect on the date that the applicant submits an application.  
2447 (f) A county may not impose on a holder of an issued land use permit or a final,  
2448 unexpired subdivision plat a requirement that is not expressed:  
2449 (i) in a land use permit;  
2450 (ii) on the subdivision plat;  
2451 (iii) in a document on which the land use permit or subdivision plat is based;  
2452 (iv) in the written record evidencing approval of the land use permit or subdivision  
2453 plat;  
2454 (v) in this chapter; or  
2455 (vi) in a county ordinance.  
2456 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a  
2457 certificate of occupancy or acceptance of subdivision improvements because of an applicant's  
2458 failure to comply with a requirement that is not expressed:  
2459 (i) in the building permit or subdivision plat, documents on which the building permit  
2460 or subdivision plat is based, or the written record evidencing approval of the building permit or  
2461 subdivision plat; or  
2462 (ii) in this chapter or the county's ordinances.  
2463 (h) A county may not unreasonably withhold issuance of a certificate of occupancy  
2464 where an applicant has met all requirements essential for the public health, public safety, and  
2465 general welfare of the occupants, in accordance with this chapter, unless:  
2466 (i) the applicant and the county have agreed in a written document to the withholding  
2467 of a certificate of occupancy; or  
2468 (ii) the applicant has not provided a financial assurance for required and uncompleted  
2469 landscaping or infrastructure improvements in accordance with an applicable ordinance that the  
2470 legislative body adopts under this chapter.  
2471 (2) A county is bound by the terms and standards of applicable land use regulations and  
2472 shall comply with mandatory provisions of those regulations.  
2473 (3) A county may not, as a condition of land use application approval, require a person  
2474 filing a land use application to obtain documentation regarding a school district's willingness,



2475 capacity, or ability to serve the development proposed in the land use application.

2476 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on  
2477 which a subdivision plat is recorded, a county may not impose on a building permit applicant  
2478 for a single-family dwelling located within the subdivision any land use regulation that is  
2479 enacted within 10 years after the day on which the subdivision plat is recorded.

2480 (b) Subsection (4)(a) does not apply to any changes in the requirements of the  
2481 applicable building code, health code, or fire code, or other similar regulations.

2482 (5) Upon a specified public agency's submission of a development plan and schedule as  
2483 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,  
2484 the specified public agency vests in the county's applicable land use maps, zoning map, hookup  
2485 fees, impact fees, other applicable development fees, and land use regulations in effect on the  
2486 date of submission.

2487 (6) (a) If sponsors of a referendum timely challenge a project in accordance with  
2488 Subsection 20A-7-601~~[(5)]~~(6), the project's affected owner may rescind the project's land use  
2489 approval by delivering a written notice:

2490 (i) to the local clerk as defined in Section 20A-7-101; and

2491 (ii) no later than seven days after the day on which a petition for a referendum is  
2492 determined sufficient under Subsection 20A-7-607(4).

2493 (b) Upon delivery of a written notice described in Subsection (6)(a) the following are  
2494 rescinded and are of no further force or effect:

2495 (i) the relevant land use approval; and

2496 (ii) any land use regulation enacted specifically in relation to the land use approval.

2497 Section 16. Section 17B-2a-802 is amended to read:

2498 **17B-2a-802. Definitions.**

2499 As used in this part:

2500 (1) "Affordable housing" means housing occupied or reserved for occupancy by  
2501 households that meet certain gross household income requirements based on the area median  
2502 income for households of the same size.

2503 (a) "Affordable housing" may include housing occupied or reserved for occupancy by  
2504 households that meet specific area median income targets or ranges of area median income  
2505 targets.

2506 (b) "Affordable housing" does not include housing occupied or reserved for occupancy  
2507 by households with gross household incomes that are more than 60% of the area median  
2508 income for households of the same size.

2509 (2) "Appointing entity" means the person, county, unincorporated area of a county, or  
2510 municipality appointing a member to a public transit district board of trustees.

2511 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a  
2512 small public transit district to serve as chief executive officer.

2513 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities  
2514 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and  
2515 responsibilities assigned to the general manager but prescribed by the board of trustees to be  
2516 fulfilled by the chief executive officer.

2517 (4) "Council of governments" means a decision-making body in each county composed  
2518 of membership including the county governing body and the mayors of each municipality in the  
2519 county.

2520 (5) "Department" means the Department of Transportation created in Section 72-1-201.

2521 (6) "Executive director" means a person appointed by the board of trustees of a large  
2522 public transit district to serve as executive director.

2523 (7) (a) "General manager" means a person appointed by the board of trustees of a small  
2524 public transit district to serve as general manager.

2525 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in  
2526 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public  
2527 transit district.

2528 (8) "Large public transit district" means a public transit district that provides public  
2529 transit to an area that includes:

2530 (a) more than 65% of the population of the state based on the most recent official  
2531 census or census estimate of the United States Census Bureau; and

2532 (b) two or more counties.

2533 (9) (a) "Locally elected public official" means a person who holds an elected position  
2534 with a county or municipality.

2535 (b) "Locally elected public official" does not include a person who holds an elected  
2536 position if the elected position is not with a county or municipality.

2537 (10) "Metropolitan planning organization" means the same as that term is defined in  
2538 Section [72-1-208.5](#).

2539 (11) "Multicounty district" means a public transit district located in more than one  
2540 county.

2541 (12) "Operator" means a public entity or other person engaged in the transportation of  
2542 passengers for hire.

2543 (13) (a) "Public transit" means regular, continuing, shared-ride, surface transportation  
2544 services that are open to the general public or open to a segment of the general public defined  
2545 by age, disability, or low income.

2546 (b) "Public transit" does not include transportation services provided by:

2547 (i) chartered bus;

2548 (ii) sightseeing bus;

2549 (iii) taxi;

2550 (iv) school bus service;

2551 (v) courtesy shuttle service for patrons of one or more specific establishments; or

2552 (vi) intra-terminal or intra-facility shuttle services.

2553 (14) "Public transit district" means a local district that provides public transit services.

2554 (15) "Small public transit district" means any public transit district that is not a large  
2555 public transit district.

2556 ~~[(16) "Station area plan" means a plan adopted by the relevant municipality or county  
2557 that establishes and preserves a vision for areas within one-half mile of a fixed guideway  
2558 station of a large public transit district, the development of which includes:]~~

2559 ~~[(a) involvement of all relevant stakeholders who have an interest in the station area,  
2560 including relevant metropolitan planning organizations;]~~

2561 ~~[(b) identification of major infrastructural and policy constraints and a course of action  
2562 to address those constraints; and]~~

2563 ~~[(c) other criteria as determined by the board of trustees of the relevant public transit  
2564 district.]~~

2565 (16) "Station area plan" means a plan developed and adopted by a municipality in  
2566 accordance with Section [10-9a-403.1](#).

2567 (17) "Transit facility" means a transit vehicle, transit station, depot, passenger loading

2568 or unloading zone, parking lot, or other facility:

2569 (a) leased by or operated by or on behalf of a public transit district; and

2570 (b) related to the public transit services provided by the district, including:

2571 (i) railway or other right-of-way;

2572 (ii) railway line; and

2573 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by  
2574 a transit vehicle.

2575 (18) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle  
2576 operated as public transportation by a public transit district.

2577 (19) "Transit-oriented development" means a mixed use residential or commercial area  
2578 that is designed to maximize access to public transit and includes the development of land  
2579 owned by a large public transit district.

2580 (20) "Transit-supportive development" means a mixed use residential or commercial  
2581 area that is designed to maximize access to public transit and does not include the development  
2582 of land owned by a large public transit district.

2583 Section 17. Section **17B-2a-804** is amended to read:

2584 **17B-2a-804. Additional public transit district powers.**

2585 (1) In addition to the powers conferred on a public transit district under Section  
2586 [17B-1-103](#), a public transit district may:

2587 (a) provide a public transit system for the transportation of passengers and their  
2588 incidental baggage;

2589 (b) notwithstanding Subsection [17B-1-103\(2\)\(g\)](#) and subject to Section [17B-2a-817](#),  
2590 levy and collect property taxes only for the purpose of paying:

2591 (i) principal and interest of bonded indebtedness of the public transit district; or

2592 (ii) a final judgment against the public transit district if:

2593 (A) the amount of the judgment exceeds the amount of any collectable insurance or  
2594 indemnity policy; and

2595 (B) the district is required by a final court order to levy a tax to pay the judgment;

2596 (c) insure against:

2597 (i) loss of revenues from damage to or destruction of some or all of a public transit  
2598 system from any cause;

- 2599 (ii) public liability;
- 2600 (iii) property damage; or
- 2601 (iv) any other type of event, act, or omission;
- 2602 (d) acquire, contract for, lease, construct, own, operate, control, or use:
- 2603 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
- 2604 parking lot, or any other facility necessary or convenient for public transit service; or
- 2605 (ii) any structure necessary for access by persons and vehicles;
- 2606 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
- 2607 equipment, service, employee, or management staff of an operator; and
- 2608 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
- 2609 public interest;
- 2610 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
- 2611 (g) accept a grant, contribution, or loan, directly through the sale of securities or
- 2612 equipment trust certificates or otherwise, from the United States, or from a department,
- 2613 instrumentality, or agency of the United States;
- 2614 (h) study and plan transit facilities in accordance with any legislation passed by
- 2615 Congress;
- 2616 (i) cooperate with and enter into an agreement with the state or an agency of the state
- 2617 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
- 2618 transit facilities;
- 2619 (j) subject to Subsection [17B-2a-808.1\(5\)](#), issue bonds as provided in and subject to
- 2620 Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
- 2621 (k) from bond proceeds or any other available funds, reimburse the state or an agency
- 2622 of the state for an advance or contribution from the state or state agency;
- 2623 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
- 2624 under federal law, including complying with labor standards and making arrangements for
- 2625 employees required by the United States or a department, instrumentality, or agency of the
- 2626 United States;
- 2627 (m) sell or lease property;
- 2628 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
- 2629 transit-supportive developments;

2630 (o) establish, finance, participate as a limited partner or member in a development with  
2631 limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or  
2632 operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented  
2633 developments or transit-supportive developments; and

2634 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a  
2635 transit-oriented development or a transit-supportive development in connection with project  
2636 area development as defined in Section 17C-1-102 by:

2637 (i) investing in a project as a limited partner or a member, with limited liabilities; or

2638 (ii) subordinating an ownership interest in real property owned by the public transit  
2639 district.

2640 (2) (a) A public transit district may only assist in the development of areas under  
2641 Subsection (1)(p) that have been approved by the board of trustees, and in the manners  
2642 described in Subsection (1)(p).

2643 (b) A public transit district may not invest in a transit-oriented development or  
2644 transit-supportive development as a limited partner or other limited liability entity under the  
2645 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,  
2646 makes an equity contribution equal to no less than 25% of the appraised value of the property  
2647 to be contributed by the public transit district.

2648 (c) (i) For transit-oriented development projects, a public transit district shall adopt  
2649 transit-oriented development policies and guidelines that include provisions on affordable  
2650 housing.

2651 (ii) For transit-supportive development projects, a public transit district shall work with  
2652 the metropolitan planning organization and city and county governments where the project is  
2653 located to collaboratively seek to create joint plans for the areas within one-half mile of transit  
2654 stations, including plans for affordable housing.

2655 (d) A current board member of a public transit district to which the board member is  
2656 appointed may not have any interest in the transactions engaged in by the public transit district  
2657 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's  
2658 fiduciary duty as a board member.

2659 (3) For any transit-oriented development or transit-supportive development authorized  
2660 in this section, the public transit district shall:

2661 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the  
2662 development, including effect on:

- 2663 (i) service and ridership;
- 2664 (ii) regional plans made by the metropolitan planning agency;
- 2665 (iii) the local economy;
- 2666 (iv) the environment and air quality;
- 2667 (v) affordable housing; and
- 2668 (vi) integration with other modes of transportation; and

2669 (b) provide evidence to the public of a quantifiable positive return on investment,  
2670 including improvements to public transit service.

2671 (4) A public transit district may ~~[not]~~ participate in a transit-oriented development only  
2672 if:

2673 (a) for a transit-oriented development involving a municipality:

2674 (i) the relevant municipality ~~[or county]~~ has ~~[not]~~ developed and adopted a station area  
2675 plan; and

2676 ~~[(b)(i) for a transit-oriented development involving a municipality;]~~

2677 (ii) the municipality is ~~[not]~~ in compliance with Sections 10-9a-403 and 10-9a-408  
2678 regarding the inclusion of moderate income housing in the general plan and the required  
2679 reporting requirements; or

2680 ~~[(ii)]~~ (b) for a transit-oriented development involving property in an unincorporated  
2681 area of a county, the county is ~~[not]~~ in compliance with Sections 17-27a-403 and 17-27a-408  
2682 regarding inclusion of moderate income housing in the general plan and required reporting  
2683 requirements.

2684 (5) A public transit district may be funded from any combination of federal, state,  
2685 local, or private funds.

2686 (6) A public transit district may not acquire property by eminent domain.

2687 Section 18. Section 20A-7-601 is amended to read:

2688 **20A-7-601. Referenda -- General signature requirements -- Signature**  
2689 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**  
2690 **Time requirements.**

2691 (1) As used in this section:

2692 (a) "Number of active voters" means the number of active voters in the county, city, or  
2693 town on the immediately preceding January 1.

2694 (b) "Qualifying county" means a county that has created a small public transit district,  
2695 as defined in Section 17B-2a-802, on or before January 1, 2022.

2696 (c) "Qualifying transit area" means:

2697 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with  
2698 jurisdiction over the station area has satisfied the requirements of Subsection  
2699 10-9a-403.1(2)(a), as demonstrated by the adoption of a station area plan or resolution under  
2700 Subsection 10-9a-403.1(2); or

2701 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created  
2702 within a qualifying county.

2703 ~~[(b)]~~ (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in  
2704 the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

2705 ~~[(c)]~~ (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by  
2706 a local legislative body that imposes a tax or other payment obligation on property in an area  
2707 that does not include all precincts and subprecincts under the jurisdiction of the county, city,  
2708 town, or metro township.

2709 (ii) "Subjurisdictional law" does not include a land use law.

2710 (f) "Transit area land use law" means a land use law that relates to the use of land  
2711 within a qualifying transit area.

2712 ~~[(d)]~~ (g) "Voter participation area" means an area described in Subsection  
2713 20A-7-401.3(1)(a) or (2)(b).

2714 (2) Except as provided in ~~[Subsection (3) or (4)]~~ Subsections (3) through (5), an  
2715 eligible voter seeking to have a local law passed by the local legislative body submitted to a  
2716 vote of the people shall obtain legal signatures equal to:

2717 (a) for a county of the first class:

2718 (i) 7.75% of the number of active voters in the county; and

2719 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%  
2720 of the county's voter participation areas;

2721 (b) for a metro township with a population of 100,000 or more, or a city of the first  
2722 class:



- 2723 (i) 7.5% of the number of active voters in the metro township or city; and  
2724 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%  
2725 of the metro township's or city's voter participation areas;
- 2726 (c) for a county of the second class:  
2727 (i) 8% of the number of active voters in the county; and  
2728 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of  
2729 the county's voter participation areas;
- 2730 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
2731 a city of the second class:  
2732 (i) 8.25% of the number of active voters in the metro township or city; and  
2733 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%  
2734 of the metro township's or city's voter participation areas;
- 2735 (e) for a county of the third class:  
2736 (i) 9.5% of the number of active voters in the county; and  
2737 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%  
2738 of the county's voter participation areas;
- 2739 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a  
2740 city of the third class:  
2741 (i) 10% of the number of active voters in the metro township or city; and  
2742 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%  
2743 of the metro township's or city's voter participation areas;
- 2744 (g) for a county of the fourth class:  
2745 (i) 11.5% of the number of active voters in the county; and  
2746 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%  
2747 of the county's voter participation areas;
- 2748 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a  
2749 city of the fourth class:  
2750 (i) 11.5% of the number of active voters in the metro township or city; and  
2751 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%  
2752 of the metro township's or city's voter participation areas;
- 2753 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city

2754 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro  
2755 township, city, or county; or

2756 (j) for a metro township with a population of less than 1,000, a town, or a county of the  
2757 sixth class, 35% of the number of active voters in the metro township, town, or county.

2758 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land  
2759 use law or local obligation law passed by the local legislative body submitted to a vote of the  
2760 people shall obtain legal signatures equal to:

2761 (a) for a county of the first, second, third, or fourth class:

2762 (i) 16% of the number of active voters in the county; and

2763 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
2764 of the county's voter participation areas;

2765 (b) for a county of the fifth or sixth class:

2766 (i) 16% of the number of active voters in the county; and

2767 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
2768 of the county's voter participation areas;

2769 (c) for a metro township with a population of 100,000 or more, or a city of the first  
2770 class:

2771 (i) 15% of the number of active voters in the metro township or city; and

2772 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%  
2773 of the metro township's or city's voter participation areas;

2774 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
2775 a city of the second class:

2776 (i) 16% of the number of active voters in the metro township or city; and

2777 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
2778 of the metro township's or city's voter participation areas;

2779 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a  
2780 city of the third class:

2781 (i) 27.5% of the number of active voters in the metro township or city; and

2782 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%  
2783 of the metro township's or city's voter participation areas;

2784 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a

2785 city of the fourth class:

2786 (i) 29% of the number of active voters in the metro township or city; and

2787 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%  
2788 of the metro township's or city's voter participation areas;

2789 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a  
2790 city of the fifth class, 35% of the number of active voters in the metro township or city; or

2791 (h) for a metro township with a population of less than 1,000 or a town, 40% of the  
2792 number of active voters in the metro township or town.

2793 (4) A person seeking to have a subjurisdictional law passed by the local legislative  
2794 body submitted to a vote of the people shall obtain legal signatures of the residents in the  
2795 subjurisdiction equal to:

2796 (a) 10% of the number of active voters in the subjurisdiction if the number of active  
2797 voters exceeds 25,000;

2798 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of  
2799 active voters does not exceed 25,000 but is more than 10,000;

2800 (c) 15% of the number of active voters in the subjurisdiction if the number of active  
2801 voters does not exceed 10,000 but is more than 2,500;

2802 (d) 20% of the number of active voters in the subjurisdiction if the number of active  
2803 voters does not exceed 2,500 but is more than 500;

2804 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
2805 voters does not exceed 500 but is more than 250; and

2806 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
2807 voters does not exceed 250.

2808 (5) An eligible voter seeking to have a transit area land use law passed by the local  
2809 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

2810 (a) for a county:

2811 (i) 20% of the number of active voters in the county; and

2812 (ii) 21% of the number of active voters in at least 75% of the county's voter  
2813 participation areas;

2814 (b) for a metro township with a population of 100,000 or more, or a city of the first  
2815 class;

2816 (i) 20% of the number of active voters in the metro township or city; and  
 2817 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's  
 2818 voter participation areas;

2819 (c) for a metro township with a population of 65,000 or more but less than 100,000, or  
 2820 a city of the second class:

2821 (i) 20% of the number of active voters in the metro township or city; and  
 2822 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's  
 2823 voter participation areas;

2824 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a  
 2825 city of the third class:

2826 (i) 34% of the number of active voters in the metro township or city; and  
 2827 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's  
 2828 voter participation areas;

2829 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a  
 2830 city of the fourth class:

2831 (i) 36% of the number of active voters in the metro township or city; and  
 2832 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's  
 2833 voter participation areas; or

2834 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a  
 2835 town, 40% of the number of active voters in the metro township, city, or town.

2836 ~~[(5)]~~ (6) Sponsors of any referendum petition challenging, under Subsection (2), (3),  
 2837 ~~[or]~~ (4), or (5), any local law passed by a local legislative body shall file the application before  
 2838 5 p.m. within seven days after the day on which the local law was passed.

2839 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or  
 2840 other payment obligation on a subjurisdiction in order to benefit an area outside of the  
 2841 subjurisdiction.

2842 Section 19. Section **20A-7-602.8** is amended to read:

2843 **20A-7-602.8. Referability to voters of local land use law -- Limitations on**  
 2844 **referability to voters of transit area land use law.**

2845 (1) Within 20 days after the day on which an eligible voter files an application to  
 2846 circulate a referendum petition under Section **20A-7-602** for a land use law, counsel for the

2847 county, city, town, or metro township to which the referendum pertains shall:

2848 (a) review the application to determine whether the proposed referendum is legally  
2849 referable to voters; and

2850 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2851 (i) legally referable to voters; or

2852 (ii) rejected as not legally referable to voters.

2853 (2) ~~(a) [For a land use law, a]~~ Subject to Subsection (2)(b), for a land use law, a  
2854 proposed referendum is legally referable to voters unless:

2855 ~~[(a)]~~ (i) the proposed referendum challenges an action that is administrative, rather than  
2856 legislative, in nature;

2857 ~~[(b)]~~ (ii) the proposed referendum challenges a land use decision, rather than a land use  
2858 regulation, as those terms are defined in Section [10-9a-103](#) or [17-27a-103](#);

2859 ~~[(c)]~~ (iii) the proposed referendum challenges more than one law passed by the local  
2860 legislative body; or

2861 ~~[(d)]~~ (iv) the application for the proposed referendum was not timely filed or does not  
2862 comply with the requirements of this part.

2863 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not  
2864 legally referable to voters for a transit area land use law, as defined in Section [20A-7-601](#), if  
2865 the transit area land use law was passed by a two-thirds vote of the local legislative body.

2866 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,  
2867 or metro township may not, for a land use law:

2868 (a) reject a proposed referendum as not legally referable to voters; or

2869 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a  
2870 proposed referendum on the grounds that the proposed referendum is not legally referable to  
2871 voters.

2872 (4) (a) If a county, city, town, or metro township rejects a proposed referendum  
2873 concerning a land use law, a sponsor of the proposed referendum may, within seven days after  
2874 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision  
2875 to:

2876 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

2877 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ

2878 under Subsection (4)(a)(i).

2879 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection  
2880 (4)(a) terminates the referendum.

2881 (5) If, on challenge or appeal, the court determines that the proposed referendum is  
2882 legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within  
2883 five days after the day on which the determination, and any challenge or appeal of the  
2884 determination, is final.

2885 Section 20. Section 35A-8-101 is amended to read:

2886 **35A-8-101. Definitions.**

2887 As used in this chapter:

2888 (1) "Accessible housing" means housing which has been constructed or modified to be  
2889 accessible, as described in the State Construction Code or an approved code under Title 15A,  
2890 State Construction and Fire Codes Act.

2891 (2) "Director" means the director of the division.

2892 (3) "Division" means the Housing and Community Development Division.

2893 (4) "Moderate income housing" means housing occupied or reserved for occupancy by  
2894 households with a gross household income equal to or less than 80% of the median gross  
2895 income for households of the same size in the county in which the housing is located.

2896 (5) "Moderate income housing unit" means a housing unit that qualifies as moderate  
2897 income housing.

2898 Section 21. Section 35A-8-503 is amended to read:

2899 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

2900 (1) There is created the Olene Walker Housing Loan Fund Board.

2901 (2) The board is composed of [~~11~~] 13 voting members.

2902 (a) The governor shall appoint the following members to four-year terms:

2903 (i) two members from local governments[;], of which:

2904 (A) one member shall be a locally elected official who resides in a county of the first or  
2905 second class; and

2906 (B) one member shall be a locally elected official who resides in a county of the third,  
2907 fourth, fifth, or sixth class;

2908 (ii) two members from the mortgage lending community[;], of which:

- 2909            (A) one member shall have expertise in single-family mortgage lending; and  
2910            (B) one member shall have expertise in multi-family mortgage lending;  
2911            (iii) one member from real estate sales interests;  
2912            (iv) ~~[one member]~~ two members from home builders interests[;], of which:  
2913            (A) one member shall have expertise in single-family residential construction; and  
2914            (B) one member shall have expertise in multi-family residential construction;  
2915            (v) one member from rental housing interests;  
2916            (vi) ~~[one member]~~ two members from housing advocacy interests[;], of which:  
2917            (A) one member who resides within any area in a county of the first or second class;  
2918 and  
2919            (B) one member who resides within any area in a county of the third, fourth, fifth, or  
2920 sixth class;  
2921            (vii) one member of the manufactured housing interest;  
2922            (viii) one member with expertise in transit-oriented developments; and  
2923            (ix) one member who represents rural interests.  
2924            (b) The director or the director's designee serves as the secretary of the board.  
2925            (c) The members of the board shall annually elect a chair from among the voting  
2926 membership of the board.  
2927            (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the  
2928 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2929 board members are staggered so that approximately half of the board is appointed every two  
2930 years.  
2931            (b) When a vacancy occurs in the membership for any reason, the replacement is  
2932 appointed for the unexpired term.  
2933            (4) (a) The board shall:  
2934            (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by  
2935 the board;  
2936            (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to  
2937 provide information to and receive input from the public regarding the state's housing policies  
2938 and needs;  
2939            (iii) keep minutes of its meetings; and

2940 (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open and  
2941 Public Meetings Act.

2942 (b) [~~Six~~] Seven members of the board constitute a quorum, and the governor, the chair,  
2943 or a majority of the board may call a meeting of the board.

2944 (5) The board shall:

2945 (a) review the housing needs in the state;

2946 (b) determine the relevant operational aspects of any grant, loan, or revenue collection  
2947 program established under the authority of this chapter;

2948 (c) determine the means to implement the policies and goals of this chapter;

2949 (d) select specific projects to receive grant or loan money; and

2950 (e) determine how fund money shall be allocated and distributed.

2951 (6) A member may not receive compensation or benefits for the member's service, but  
2952 may receive per diem and travel expenses in accordance with:

2953 (a) Section [63A-3-106](#);

2954 (b) Section [63A-3-107](#); and

2955 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2956 [63A-3-107](#).

2957 Section 22. Section **35A-8-504** is amended to read:

2958 **35A-8-504. Distribution of fund money.**

2959 (1) As used in this section:

2960 (a) "Community" means the same as that term is defined in Section [17C-1-102](#).

2961 (b) "Income targeted housing" means the same as that term is defined in Section  
2962 [17C-1-102](#).

2963 [~~1~~] (2) The executive director shall:

2964 (a) make grants and loans from the fund for any of the activities authorized by Section  
2965 [35A-8-505](#), as directed by the board;

2966 (b) establish the criteria with the approval of the board by which loans and grants will  
2967 be made; and

2968 (c) determine with the approval of the board the order in which projects will be funded.

2969 [~~2~~] (3) The executive director shall distribute, as directed by the board, any federal  
2970 money contained in the fund according to the procedures, conditions, and restrictions placed



2971 upon the use of the money by the federal government.

2972       ~~[(3)(a)]~~ (4) The executive director shall distribute, as directed by the board, any funds  
2973 received under Section 17C-1-412 to pay the costs of providing income targeted housing within  
2974 the community that created the community reinvestment agency under Title 17C, Limited  
2975 Purpose Local Government Entities - Community Reinvestment Agency Act.

2976       ~~[(b) As used in Subsection (3)(a):]~~

2977       ~~[(i) "Community" means the same as that term is defined in Section 17C-1-102.]~~

2978       ~~[(ii) "Income targeted housing" means the same as that term is defined in Section~~  
2979 ~~17C-1-102.]~~

2980       ~~[(4)]~~ (5) Except for federal money, money received under Section 17C-1-412, and  
2981 money appropriated for use in accordance with Section 35A-8-2105, the executive director  
2982 shall distribute, as directed by the board, money in the fund according to the following  
2983 requirements:

2984       ~~[(a) the executive director shall distribute at least 30% of the money in the fund to rural~~  
2985 ~~areas of the state;]~~

2986       ~~[(b)]~~ (a) the executive director shall distribute at least 70% of the money in the fund to  
2987 benefit persons whose annual income is at or below 50% of the median family income for the  
2988 state;

2989       ~~[(c)]~~ (b) the executive director may ~~[not use more than]~~ use up to 3% of the revenues of  
2990 the fund, including any appropriation to the fund to offset department or board administrative  
2991 expenses;

2992       ~~[(d)]~~ (c) the executive director shall distribute any remaining money in the fund to  
2993 benefit persons whose annual income is at or below 80% of the median family income for the  
2994 state; and

2995       ~~[(e)]~~ (d) if the executive director or the executive director's designee makes a loan in  
2996 accordance with this section, the interest rate of the loan shall be based on the borrower's  
2997 ability to pay.

2998       ~~[(5)]~~ (6) The executive director may, with the approval of the board:

2999       (a) enact rules to establish procedures for the grant and loan process by following the  
3000 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
3001 and

3002 (b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the  
3003 servicing of loans made by the fund.

3004 Section 23. Section **35A-8-507.5** is amended to read:

3005 **35A-8-507.5. Predevelopment grants.**

3006 [~~(1) The executive director under the direction of the board may:~~]

3007 [~~(a) award one or more predevelopment grants to nonprofit or for-profit entities in  
3008 preparation for the construction of low-income housing units;~~]

3009 [~~(b) award a predevelopment grant in an amount of no more than \$50,000 per project;~~]

3010 [~~(c) may only award a predevelopment grant in relation to a project in:~~]

3011 [~~(i) a city of the fifth or sixth class, or a town, in a rural area of the state; or]~~

3012 [~~(ii) any municipality or unincorporated area in a county of the fourth, fifth, or sixth  
3013 class;~~]

3014 (1) The executive director may, under the direction of the board, award one or more  
3015 predevelopment grants to a nonprofit or for-profit entity:

3016 (a) in preparation for a project that:

3017 (i) involves the construction of moderate income housing units; and

3018 (ii) is located within:

3019 (A) a city of the fifth or sixth class, or a town, in a rural area of the state; or

3020 (B) any municipality or unincorporated area in a county of the fourth, fifth, or sixth  
3021 class; and

3022 (b) in an amount of no more than \$50,000 per project.

3023 (2) The executive director shall, under the direction of the board [~~shall~~], award each  
3024 predevelopment grant in accordance with the provisions of this section and the provisions  
3025 related to grant applications, grant awards, and reporting requirements in this part.

3026 (3) [~~A~~] The recipient of a predevelopment grant:

3027 (a) may [~~be used by a recipient for offsetting~~] use grant funds to offset the

3028 predevelopment funds needed to prepare for the construction of low-income housing units,

3029 including market studies, surveys, environmental and impact studies, technical assistance, and

3030 preliminary architecture, engineering, or legal work; and

3031 (b) may not [~~be used by a recipient~~] use grant funds to pay for staff salaries [~~of a grant  
3032 recipient~~] or construction costs.

3033 (4) The executive director shall, under the direction of the board [~~shall~~], prioritize the  
 3034 awarding of a predevelopment grant for a project [~~in~~] that is located within:

3035 (a) a county of the fifth or sixth class [~~and where the municipality or unincorporated~~];  
 3036 and

3037 (b) an area that has underdeveloped infrastructure, as demonstrated by at least two of  
 3038 the following:

3039 [~~(a)~~] (i) limited or no availability of natural gas;

3040 [~~(b)~~] (ii) limited or no availability of a sewer system;

3041 [~~(c)~~] (iii) limited or no availability of broadband Internet;

3042 [~~(d)~~] (iv) unpaved residential streets; or

3043 [~~(e)~~] (v) limited local construction professionals, vendors, or services.

3044 Section 24. Section **35A-8-508** is amended to read:

3045 **35A-8-508. Annual accounting.**

3046 (1) The executive director shall monitor the activities of recipients of grants and loans  
 3047 issued under this part on a yearly basis to ensure compliance with the terms and conditions  
 3048 imposed on the recipient by the executive director with the approval of the board or by this  
 3049 part.

3050 (2) [~~Am~~] Beginning July 1, 2021, an entity that receives [a grant or loan] any money  
 3051 from the fund under this part shall provide the executive director with an annual accounting of  
 3052 how the money the entity received from the fund has been spent.

3053 (3) The executive director shall make an annual report to the board accounting for the  
 3054 expenditures authorized by the board.

3055 (4) The board shall submit a report to the department for inclusion in the annual  
 3056 written report described in Section **35A-1-109**:

3057 (a) accounting for expenditures authorized by the board; and

3058 (b) evaluating the effectiveness of the program.

3059 Section 25. Section **35A-8-509** is amended to read:

3060 **35A-8-509. Economic Revitalization and Investment Fund.**

3061 (1) There is created an enterprise fund known as the "Economic Revitalization and  
 3062 Investment Fund."

3063 (2) The Economic Revitalization and Investment Fund consists of money from the

3064 following:

- 3065 (a) money appropriated to the account by the Legislature;
- 3066 (b) private contributions;
- 3067 (c) donations or grants from public or private entities; and
- 3068 (d) money returned to the department under [~~Section 35A-8-512~~] Subsection
- 3069 35A-8-512(3)(a).

3070 (3) The Economic Revitalization and Investment Fund shall earn interest, which shall  
3071 be deposited into the Economic Revitalization and Investment Fund.

3072 (4) The executive director may distribute money from the Economic Revitalization and  
3073 Investment Fund to one or more projects that:

- 3074 (a) include affordable housing units for households[~~:(i)~~] whose income is no more  
3075 than 30% of the area median income for households of the same size in the county or  
3076 municipality where the project is located; and

3077 [~~(ii) at rental rates no greater than the rates described in Subsection 35A-8-511(2)(b);~~  
3078 ~~and]~~

- 3079 (b) have been approved by the board in accordance with Section 35A-8-510.

3080 (5) (a) A housing sponsor may apply to the department to receive a distribution in  
3081 accordance with Subsection (4).

3082 (b) The application shall include:

- 3083 (i) the location of the project;
- 3084 (ii) the number, size, and tenant income requirements of affordable housing units  
3085 described in Subsection (4)(a) that will be included in the project; and
- 3086 (iii) a written commitment to enter into a deed restriction that reserves for a period of  
3087 30 years the affordable housing units described in Subsection (5)(b)(ii) or their equivalent for  
3088 occupancy by households that meet the income requirements described in Subsection (5)(b)(ii).

3089 (c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit  
3090 is:

- 3091 (i) (A) occupied or reserved for occupancy by a household whose income is no more  
3092 than 30% of the area median income for households of the same size in the county or  
3093 municipality where the project is located; or

- 3094 (B) occupied by a household whose income is no more than 60% of the area median

3095 income for households of the same size in the county or municipality where the project is  
3096 located if that household met the income requirement described in Subsection (4)(a) when the  
3097 household originally entered into the lease agreement for the housing unit; and

3098 (ii) rented at a rate no greater than the rate described in Subsection [35A-8-511\(2\)\(b\)](#).

3099 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3100 department may make additional rules providing procedures for a person to apply to the  
3101 department to receive a distribution described in Subsection (4).

3102 (6) The executive director may expend up to 3% of the revenues of the Economic  
3103 Revitalization and Investment Fund, including any appropriation to the Economic  
3104 Revitalization and Investment Fund, to offset department or board administrative expenses.

3105 Section 26. Section [35A-8-509.5](#) is enacted to read:

3106 **35A-8-509.5. Rural Housing Fund.**

3107 (1) There is created an enterprise fund known as the "Rural Housing Fund."

3108 (2) The Rural Housing Fund consists of money from the following:

3109 (a) money appropriated to the account by the Legislature;

3110 (b) private contributions;

3111 (c) donations or grants from public or private entities; and

3112 (d) money returned to the department under Subsection [35A-8-512\(3\)\(b\)](#).

3113 (3) The Rural Housing Fund shall earn interest, which shall be deposited into the Rural  
3114 Housing Fund.

3115 (4) Subject to appropriation, the executive director may expend funds in the Rural  
3116 Housing Fund to provide loans for projects that:

3117 (a) are located within:

3118 (i) a county of the third, fourth, fifth, or sixth class; or

3119 (ii) a municipality in a county of the second class with a population of 10,000 or less;

3120 (b) include moderate income housing units; and

3121 (c) have been approved by the board in accordance with Section [35A-8-510](#).

3122 (5) (a) A housing sponsor may apply to the department to receive a loan under this  
3123 section.

3124 (b) An application under Subsection (5)(a) shall specify:

3125 (i) the location of the project;

3126 (ii) the number, size, and income requirements of moderate income housing units that  
3127 will be included in the project; and

3128 (iii) a written commitment to enter into a deed restriction that reserves for a period of  
3129 50 years the moderate income housing units described in Subsection (5)(b)(ii).

3130 (c) A commitment under Subsection (5)(b)(iii) shall be considered satisfied if a  
3131 housing unit is occupied by a household that met the income requirement for moderate income  
3132 housing when the household originally entered into the lease agreement for the housing unit.

3133 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3134 department may make rules establishing procedures and requirements for housing sponsors to  
3135 apply for and receive loans under this section.

3136 (6) The executive director may expend up to 3% of the revenues of the Rural Housing  
3137 Fund, including any appropriation to the Rural Housing Fund, to offset department or board  
3138 administrative expenses.

3139 Section 27. Section **35A-8-510** is amended to read:

3140 **35A-8-510. Housing loan fund board approval.**

3141 (1) The board shall review the project applications described in [~~Subsection~~]  
3142 Subsections [35A-8-509\(5\)](#) and [35A-8-509.5\(5\)](#).

3143 (2) (a) The board may approve a project that meets the requirements of Subsections  
3144 [35A-8-509\(4\)](#) and (5) to receive funds from the Economic Revitalization and Investment Fund.

3145 (b) The board may approve a project that meets the requirements of Subsections  
3146 [35A-8-509.5\(4\)](#) and (5) to receive funds from the Rural Housing Fund.

3147 (3) The board shall give preference to projects:

3148 (a) that include significant additional or matching funds from an individual, private  
3149 organization, or local government entity;

3150 (b) that include significant contributions by the applicant to total project costs,  
3151 including contributions secured by the applicant from other sources such as professional, craft,  
3152 and trade services and lender interest rate subsidies;

3153 (c) with significant local government contributions in the form of infrastructure,  
3154 improvements, or other assistance;

3155 (d) where the applicant has demonstrated the ability, stability, and resources to  
3156 complete the project;

- 3157 (e) that will serve the greatest need;
- 3158 (f) that promote economic development benefits;
- 3159 (g) that allow integration into a local government housing plan;
- 3160 (h) that would mitigate or correct existing health, safety, or welfare concerns; or
- 3161 (i) that remedy a gap in the supply of and demand for affordable housing.

3162 Section 28. Section **35A-8-511** is amended to read:

3163 **35A-8-511. Activities authorized to receive account money.**

3164 [(H)] The executive director may distribute funds from the Economic Revitalization  
3165 and Investment Fund and the Rural Housing Fund for any of the following activities  
3166 undertaken as part of an approved project:

3167 [(a)] (1) the acquisition, rehabilitation, or new construction of a building that includes  
3168 [affordable] moderate income housing units;

3169 [(b)] (2) the purchase of land for the construction of a building that will include  
3170 [affordable] moderate income housing units; or

3171 [(c)] (3) pre-development work, including planning, studies, design, and site work for a  
3172 building that will include [affordable] moderate income housing units.

3173 [~~(2) The maximum amount of money that may be distributed from the Economic  
3174 Revitalization and Investment Fund for each affordable housing unit that has been committed  
3175 in accordance with Subsection 35A-8-509(5)(b)(iii) is the present value, based on the current  
3176 market interest rate as determined by the board for a multi-family mortgage loan in the county  
3177 or metropolitan area where the project is located, of 360 monthly payments equal to the  
3178 difference between:]~~

3179 [~~(a) the most recent United States Department of Housing and Urban Development fair  
3180 market rent for a unit of the same size in the county or metropolitan area where the project is  
3181 located; and]~~

3182 [~~(b) an affordable rent equal to 30% of the income requirement described in Subsection  
3183 35A-8-509(5)(b)(ii) for a household of:]~~

3184 [~~(i) one person if the unit is an efficiency unit;]~~

3185 [~~(ii) two people if the unit is a one-bedroom unit;]~~

3186 [~~(iii) four people if the unit is a two-bedroom unit;]~~

3187 [~~(iv) five people if the unit is a three-bedroom unit;]~~

3188 [~~(v) six people if the unit is a four-bedroom unit; or]~~

3189 [~~(vi) eight people if the unit is a five-bedroom or larger unit.~~]

3190 Section 29. Section **35A-8-512** is amended to read:

3191 **35A-8-512. Repayment of funds.**

3192 (1) Upon the earlier of 30 years from the date an approved project is placed in service  
3193 or the sale or transfer of the affordable housing units acquired, constructed, or rehabilitated as  
3194 part of an approved project funded under [~~Section 35A-8-511~~] Subsection 35A-8-511(1), the  
3195 housing sponsor shall remit to the department:

3196 (a) the total amount of money distributed by the department to the housing sponsor for  
3197 the project; and

3198 (b) an additional amount of money determined by contract with the department prior to  
3199 the initial disbursement of money [~~from the Economic Revitalization and Investment Fund~~].

3200 (2) Any claim arising under Subsection (1) is a lien against the real property funded  
3201 under this chapter.

3202 (3) (a) Any money returned to the department under Subsection (1) from a housing  
3203 sponsor that received funds from the Economic Revitalization and Investment Fund shall be  
3204 deposited in the Economic Revitalization and Investment Fund.

3205 (b) Any money returned to the department under Subsection (1) from a housing  
3206 sponsor that received funds from the Rural Housing Fund shall be deposited in the Rural  
3207 Housing Fund.

3208 Section 30. Section **35A-8-513** is amended to read:

3209 **35A-8-513. Annual accounting.**

3210 (1) The executive director shall monitor the activities of recipients of funds from the  
3211 Economic Revitalization and Investment Fund and the Rural Housing Fund on a yearly basis to  
3212 ensure compliance with the terms and conditions imposed on the recipient by the executive  
3213 director with the approval of the board.

3214 (2) (a) A housing sponsor that receives funds from the Economic Revitalization and  
3215 Investment Fund shall provide the executive director with an annual accounting of how the  
3216 money the entity received from the Economic Revitalization and Investment Fund has been  
3217 spent and evidence that the commitment described in Subsection 35A-8-509(5) has been met.

3218 (b) A housing sponsor that receives funds from the Rural Housing Fund shall provide



3219 the executive director with an annual accounting of how the money the entity received from the  
3220 Rural Housing Fund has been spent and evidence that the commitment described in Subsection  
3221 35A-8-509.5(5) has been met.

3222 (3) The executive director shall make an annual report to the board accounting for the  
3223 expenditures authorized by the board under the Economic Revitalization and Investment Fund  
3224 and the Rural Housing Fund.

3225 (4) The board shall submit a report to the department for inclusion in the annual  
3226 written report described in Section 35A-1-109 that includes:

- 3227 (a) an accounting for expenditures authorized by the board; and  
3228 (b) an evaluation of the effectiveness of ~~the~~ each program.

3229 Section 31. Section 35A-8-803 is amended to read:

3230 **35A-8-803. Division -- Functions.**

3231 (1) In addition to any other functions the governor or Legislature may assign:

3232 (a) the division shall:

3233 (i) provide a clearinghouse of information for federal, state, and local housing  
3234 assistance programs;

3235 (ii) establish, in cooperation with political subdivisions, model plans and management  
3236 methods to encourage or provide for the development of affordable housing that may be  
3237 adopted by political subdivisions by reference;

3238 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of  
3239 problems relating to housing needs, such as:

3240 (A) inadequate supply of dwellings;

3241 (B) substandard dwellings; and

3242 (C) inability of medium and low income families to obtain adequate housing;

3243 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

3244 (A) political subdivisions;

3245 (B) real estate developers;

3246 (C) builders;

3247 (D) lending institutions;

3248 (E) affordable housing advocates; and

3249 (F) others having use for the information;

3250 (v) advise political subdivisions of serious housing problems existing within their  
3251 jurisdiction that require concerted public action for solution;

3252 (vi) assist political subdivisions in defining housing objectives and in preparing for  
3253 adoption a plan of action covering a five-year period designed to accomplish housing  
3254 objectives within their jurisdiction; [~~and~~]

3255 (vii) for municipalities or counties required to submit an annual moderate income  
3256 housing report to the department as described in Section [10-9a-408](#) or [17-27a-408](#):

3257 (A) assist in the creation of the reports; and  
3258 [~~(B) evaluate the reports for the purposes of Subsections [72-2-124](#)(5) and (6); and]~~

3259 (B) review the reports to meet the requirements of Sections [10-9a-408](#) and [17-27a-408](#);  
3260 (viii) establish and maintain a database of moderate income housing units located  
3261 within the state; and

3262 (ix) on or before December 1, 2022, develop and submit to the Commission on  
3263 Housing Affordability a methodology for determining whether a municipality or county is  
3264 taking sufficient measures to protect and promote moderate income housing in accordance with  
3265 the provisions of Sections [10-9a-403](#) and [17-27a-403](#); and

3266 (b) within legislative appropriations, the division may accept for and on behalf of, and  
3267 bind the state to, any federal housing or homeless program in which the state is invited,  
3268 permitted, or authorized to participate in the distribution, disbursement, or administration of  
3269 any funds or service advanced, offered, or contributed in whole or in part by the federal  
3270 government.

3271 (2) The administration of any federal housing program in which the state is invited,  
3272 permitted, or authorized to participate in distribution, disbursement, or administration of funds  
3273 or services, except those administered by the Utah Housing Corporation, is governed by  
3274 Sections [35A-8-501](#) through [35A-8-508](#).

3275 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3276 department shall make rules describing the [~~evaluation~~] review process for moderate income  
3277 housing reports described in Subsection (1)(a)(vii).

3278 Section 32. Section **35A-8-2105** is amended to read:  
3279 **35A-8-2105. Allocation of volume cap.**  
3280 (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed

3281 by the board of review to the allotment accounts as described in Section [35A-8-2106](#).

3282 (b) The board of review may distribute up to 50% of each increase in the volume cap  
3283 for use in development that occurs in quality growth areas, depending upon the board's analysis  
3284 of the relative need for additional volume cap between development in quality growth areas  
3285 and the allotment accounts under Section [35A-8-2106](#).

3286 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the  
3287 board of review an application containing information required by the procedures and  
3288 processes of the board of review.

3289 (3) (a) The board of review shall establish criteria for making allocations of volume  
3290 cap that are consistent with the purposes of the code and this part.

3291 (b) In making an allocation of volume cap the board of review shall consider the  
3292 following:

3293 (i) the principal amount of the bonds proposed to be issued;

3294 (ii) the nature and the location of the project or the type of program;

3295 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

3296 (iv) whether the project or program could obtain adequate financing without an  
3297 allocation of volume cap;

3298 (v) the degree to which an allocation of volume cap is required for the project or  
3299 program to proceed or continue;

3300 (vi) the social, health, economic, and educational effects of the project or program on  
3301 the local community and state as a whole;

3302 (vii) the anticipated economic development created or retained within the local  
3303 community and the state as a whole;

3304 (viii) the anticipated number of jobs, both temporary and permanent, created or  
3305 retained within the local community and the state as a whole;

3306 (ix) if the project is a residential rental project, the degree to which the residential  
3307 rental project:

3308 (A) targets lower income populations; and

3309 (B) is accessible housing; and

3310 (x) whether the project meets the principles of quality growth recommended by the  
3311 Quality Growth Commission created in Section [11-38-201](#).

3312 (4) The board of review shall provide evidence of an allocation of volume cap by  
3313 issuing a certificate in accordance with Section [35A-8-2107](#).

3314 (5) (a) [~~From~~] Subject to Subsection (5)(c), from January 1 to June 30 of each year, the  
3315 board of review shall set aside at least 50% of the Small Issue Bond Account that may only be  
3316 allocated to manufacturing projects.

3317 (b) [~~From~~] Subject to Subsection (5)(c), from July 1 to August 15 of each year, the  
3318 board of review shall set aside at least 50% of the Pool Account that may only be allocated to  
3319 manufacturing projects.

3320 (c) The board of review is not required to set aside any unused volume cap under  
3321 Subsection [35A-8-2106\(2\)\(c\)](#) to satisfy the requirements of Subsection (5)(a) or (b).

3322 Section 33. Section **35A-8-2106** is amended to read:

3323 **35A-8-2106. Allotment accounts.**

3324 (1) There are created the following allotment accounts:

3325 (a) the Single Family Housing Account, for which eligible issuing authorities are those  
3326 authorized under the code and state statute to issue qualified mortgage bonds under Section 143  
3327 of the code;

3328 (b) the Student Loan Account, for which eligible issuing authorities are those  
3329 authorized under the code and state statute to issue qualified student loan bonds under Section  
3330 144(b) of the code;

3331 (c) the Small Issue Bond Account, for which eligible issuing authorities are those  
3332 authorized under the code and state statute to issue:

3333 (i) qualified small issue bonds under Section 144(a) of the code;

3334 (ii) qualified exempt facility bonds for qualified residential rental projects under  
3335 Section 142(d) of the code; or

3336 (iii) qualified redevelopment bonds under Section 144(c) of the code;

3337 (d) the Exempt Facilities Account, for which eligible issuing authorities are those  
3338 authorized under the code and state statute to issue any bonds requiring an allocation of volume  
3339 cap other than for purposes described in [~~Subsections~~] Subsection (1)(a), (b), or (c);

3340 (e) the Pool Account, for which eligible issuing authorities are those authorized under  
3341 the code and state statute to issue any bonds requiring an allocation of volume cap; and

3342 (f) the Carryforward Account, for which eligible issuing authorities are those with

3343 projects or programs qualifying under Section 146(f) of the code.

3344 (2) (a) The volume cap shall be distributed to the allotment accounts on January 1 of  
3345 each year on the following basis:

3346 (i) 42% to the Single Family Housing Account;

3347 (ii) 33% to the Student Loan Account;

3348 (iii) 1% to the Exempt Facilities Account; and

3349 (iv) 24% to the Small Issue Bond Account.

3350 (b) From July 1 to September 30 of each year, the board of review may transfer any  
3351 unallocated volume cap from the Exempt Facilities Account or the Small Issue Bond Account  
3352 to the Pool Account.

3353 (c) Upon written notification by the issuing authorities eligible for volume cap  
3354 allocation from the Single Family Housing Account or the Student Loan Account that all or a  
3355 portion of volume cap distributed into that allotment account will not be used, the board of  
3356 review may transfer the unused volume cap [~~between the Single Family Housing Account and~~  
3357 ~~the Student Loan Account~~] to any other allotment account.

3358 (d) From October 1 to the third Friday of December of each year, the board of review  
3359 shall transfer all unallocated volume cap into the Pool Account.

3360 (e) On the third Saturday of December of each year, the board of review shall transfer  
3361 uncollected volume cap, or allocated volume cap for which bonds have not been issued prior to  
3362 the third Saturday of December, into the Carryforward Account.

3363 (f) If the authority to issue bonds designated in any allotment account is rescinded by  
3364 amendment to the code, the board of review may transfer any unallocated volume cap from that  
3365 allotment account to any other allotment account.

3366 Section 34. Section **35A-8-2203** is amended to read:

3367 **35A-8-2203. Duties of the commission.**

3368 (1) The commission's duties include:

3369 (a) increasing public and government awareness and understanding of the housing  
3370 affordability needs of the state and how those needs may be most effectively and efficiently  
3371 met, through empirical study and investigation;

3372 (b) identifying and recommending implementation of specific strategies, policies,  
3373 procedures, and programs to address the housing affordability needs of the state;

3374 (c) facilitating the communication and coordination of public and private entities that  
3375 are involved in developing, financing, providing, advocating for, and administering affordable  
3376 housing in the state;

3377 (d) studying, evaluating, and reporting on the status and effectiveness of policies,  
3378 procedures, and programs that address housing affordability in the state;

3379 (e) studying and evaluating the policies, procedures, and programs implemented by  
3380 other states that address housing affordability;

3381 (f) providing a forum for public comment on issues related to housing affordability;

3382 [~~and~~]

3383 (g) providing recommendations to the governor and Legislature on strategies, policies,  
3384 procedures, and programs to address the housing affordability needs of the state[-]; and

3385 (h) on or before December 31, 2022, approving the methodology developed by the  
3386 division under Subsection 35A-8-803(1)(a)(ix).

3387 (2) To accomplish its duties, the commission may:

3388 (a) request and receive from a state or local government agency or institution summary  
3389 information relating to housing affordability, including:

3390 (i) reports;

3391 (ii) audits;

3392 (iii) projections; and

3393 (iv) statistics; and

3394 (b) appoint one or more advisory groups to advise and assist the commission.

3395 (3) (a) A member of an advisory group described in Subsection (2)(b):

3396 (i) shall be appointed by the commission;

3397 (ii) may be:

3398 (A) a member of the commission; or

3399 (B) an individual from the private or public sector; and

3400 (iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for  
3401 any work done in relation to the advisory group.

3402 (b) An advisory group described in Subsection (2)(b) shall report to the commission on  
3403 the progress of the advisory group.

3404 Section 35. Section 63J-4-802 is amended to read:

3405           **63J-4-802. Creation of COVID-19 Local Assistance Matching Grant Program --**  
3406 **Eligibility -- Duties of the office.**

3407           (1) There is established a grant program known as COVID-19 Local Assistance  
3408 Matching Grant Program that is administered by the office.

3409           (2) The office shall award financial grants to local governments that meet the  
3410 qualifications described in Subsection (3) to provide support for:

3411           (a) projects or services that address the economic impacts of the COVID-19 emergency  
3412 on housing insecurity, lack of affordable housing, or homelessness;

3413           (b) costs incurred in addressing public health challenges resulting from the COVID-19  
3414 emergency;

3415           (c) necessary investments in water and sewer infrastructure; or

3416           (d) any other purpose authorized under the American Rescue Plan Act.

3417           (3) To be eligible for a grant under this part, a local government shall:

3418           (a) provide matching funds in an amount determined by the office; and

3419           (b) certify that the local government will spend grant funds:

3420           (i) on a purpose described in Subsection (2);

3421           (ii) within the time period determined by the office; and

3422           (iii) in accordance with the American Rescue Plan Act.

3423           (4) As soon as is practicable, but on or before September 15, 2021, the office shall,  
3424 with recommendations from the review committee, establish:

3425           (a) procedures for applying for and awarding grants under this part, using an online  
3426 grants management system that:

3427           (i) manages each grant throughout the duration of the grant;

3428           (ii) allows for:

3429           (A) online submission of grant applications; and

3430           (B) auditing and reporting for a local government that receives grant funds; and

3431           (iii) generates reports containing information about each grant;

3432           (b) criteria for awarding grants; and

3433           (c) reporting requirements for grant recipients.

3434           (5) Subject to appropriation, the office shall award grant funds on a competitive basis  
3435 until December 31, 2024.

3436 (6) If the office receives a notice of prioritization for a municipality as described in  
3437 Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
3438 17-27a-408(5), the office may prioritize the awarding of a financial grant under this section to  
3439 the municipality or county during the fiscal year specified in the notice.

3440 (7) If the office receives a notice of ineligibility for a municipality as described in  
3441 Subsection 10-9a-408(7), or a notice of ineligibility for a county as described in Subsection  
3442 17-27a-408(7), the office may not award a financial grant under this section to the municipality  
3443 or county during the fiscal year specified in the notice.

3444 ~~[(6)]~~ (8) Before November 30 of each year, ending November 30, 2025, the office shall  
3445 submit a report to the Executive Appropriations Committee that includes:

3446 (a) a summary of the procedures, criteria, and requirements established under  
3447 Subsection (4);

3448 (b) a summary of the recommendations of the review committee under Section  
3449 63J-4-803;

3450 (c) the number of applications submitted under the grant program during the previous  
3451 year;

3452 (d) the number of grants awarded under the grant program during the previous year;

3453 (e) the aggregate amount of grant funds awarded under the grant program during the  
3454 previous year; and

3455 (f) any other information the office considers relevant to evaluating the success of the  
3456 grant program.

3457 ~~[(7)]~~ (9) The office may use funds appropriated by the Legislature for the grant  
3458 program to pay for administrative costs.

3459 Section 36. Section 63L-12-101 is enacted to read:

3460 **CHAPTER 12. GRANTING OF REAL PROPERTY FOR MODERATE**  
3461 **INCOME**  
3462 **HOUSING**

3463 **63L-12-101. Definitions.**

3464 As used in this chapter:

3465 (1) "Governmental entity" means:

3466 (a) an agency, as that term is defined in Section 63G-10-102;

3467 (b) the School and Institutional Trust Lands Administration created in Section



3468 [53C-1-201](#);

3469 (c) the School and Institutional Trust Lands Board of Trustees created in Section

3470 [53C-1-202](#); or

3471 (d) a political subdivision, as that term is defined in Section [63L-11-102](#).

3472 (2) "Moderate income housing" means housing occupied or reserved for occupancy by

3473 households with a gross household income equal to or less than 80% of the median gross

3474 income for households of the same size in the county in which the housing is located.

3475 (3) "Municipality" means the same as that term is defined in Section [10-1-104](#).

3476 Section 37. Section **63L-12-102**, which is renumbered from Section 10-8-501 is

3477 renumbered and amended to read:

3478 ~~[10-8-501]~~. **63L-12-102. Grant of real property for moderate income housing.**

3479 ~~[(1) As used in this part, "affordable housing unit" means a rental housing unit where a~~

3480 ~~household whose income is no more than 50% of the area median income for households~~

3481 ~~where the housing unit is located is able to occupy the housing unit paying no more than 31%~~

3482 ~~of the household's income for gross housing costs including utilities.]~~

3483 ~~[(2)]~~ (1) Subject to the requirements of this section, ~~[and for a municipality, Subsection~~

3484 ~~[10-8-2\(4\)](#), a political subdivision] a governmental entity~~ may grant real property owned by the

3485 ~~[political subdivision] governmental entity~~ to an entity for the development of ~~[one or more~~

3486 ~~affordable housing units on the real property that will serve households at various income~~

3487 ~~levels whereby at least 20% of the housing units are affordable housing units] moderate income~~

3488 housing on the real property.

3489 ~~[(3) A political subdivision]~~

3490 (2) A governmental entity shall ensure that real property granted ~~[as described in]~~

3491 under Subsection [(2)] (1) is deed restricted for [affordable] moderate income housing for at

3492 least 30 years after the day on which each [affordable] moderate income housing unit is

3493 completed and occupied.

3494 ~~[(4)]~~ (3) If applicable, a ~~[political subdivision] governmental entity~~ granting real

3495 property under this section shall comply with:

3496 (a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain[-];

3497 (b) Subsection [10-8-2\(4\)](#), if a municipality is granting real property under this section;

3498 (c) Subsection [17-50-312\(5\)](#), if a county is granting real property under this section;

3499 and

3500 (d) except as provided in Subsection (4), any other applicable provisions of law that  
3501 govern the granting of real property by the governmental entity.

3502 [~~5~~] (4) A municipality granting real property under this section is not subject to the  
3503 provisions of Subsection 10-8-2(3).

3504 Section 38. Section **63N-3-113** is enacted to read:

3505 **63N-3-113. Financial assistance to entities offering technical assistance to**  
3506 **municipalities in connection with planning.**

3507 (1) The administrator may provide money from the Industrial Assistance Account to an  
3508 entity offering technical assistance to a municipality in connection with planning for housing,  
3509 transportation, and growth.

3510 (2) As part of an application for receiving money under this section, an applicant shall:

3511 (a) describe the activities the entity will undertake to provide technical assistance to a  
3512 municipality in connection with planning for housing, transportation, and growth; and

3513 (b) satisfy other criteria the administrator considers appropriate.

3514 (3) Before awarding any money under this section, the administrator shall:

3515 (a) make findings as to whether an applicant has satisfied the requirements of  
3516 Subsection (2);

3517 (b) establish benchmarks and timeframes in which progress toward the completion of  
3518 the agreed upon activities are to occur;

3519 (c) monitor compliance by an applicant with any contract or agreement entered into by  
3520 the applicant and the state as provided by Section 63N-3-107; and

3521 (d) make funding decisions based upon appropriate findings and compliance.

3522 Section 39. Section **63N-3-603** is amended to read:

3523 **63N-3-603. Applicability, requirements, and limitations on a housing and transit**  
3524 **reinvestment zone.**

3525 (1) A housing and transit reinvestment zone proposal created under this part shall  
3526 promote the following objectives:

3527 (a) higher utilization of public transit;

3528 (b) increasing availability of housing, including affordable housing;

3529 (c) conservation of water resources through efficient land use;

3530 (d) improving air quality by reducing fuel consumption and motor vehicle trips;

3531 (e) encouraging transformative mixed-use development and investment in

3532 transportation and public transit infrastructure in strategic areas;

3533 (f) strategic land use and municipal planning in major transit investment corridors as

3534 described in Subsection 10-9a-403(2); and

3535 (g) increasing access to employment and educational opportunities.

3536 (2) In order to accomplish the objectives described in Subsection (1), a municipality or

3537 public transit county that initiates the process to create a housing and transit reinvestment zone

3538 as described in this part shall ensure that the proposal for a housing and transit reinvestment

3539 zone includes:

3540 (a) except as provided in Subsection (3), at least 10% of the proposed housing units

3541 within the housing and transit reinvestment zone are affordable housing units;

3542 (b) a dedication of at least 51% of the developable area within the housing and transit

3543 reinvestment zone to residential development with an average of 50 multi-family dwelling

3544 units per acre or greater; and

3545 (c) mixed-use development.

3546 (3) A municipality or public transit county that, at the time the housing and transit

3547 reinvestment zone proposal is approved by the housing and transit reinvestment zone

3548 committee, meets the affordable housing guidelines of the United States Department of

3549 Housing and Urban Development at 60% area median income is exempt from the requirement

3550 described in Subsection (2)(a).

3551 (4) A municipality or public transit county may only propose a housing and transit

3552 reinvestment zone that:

3553 (a) subject to Subsection (5):

3554 (i) (A) for a municipality, does not exceed a 1/3 mile radius of a commuter rail station;

3555 or

3556 (B) for a public transit county, does not exceed a 1/3 mile radius of a public transit

3557 hub; and

3558 (ii) has a total area of no more than 125 noncontiguous square acres;

3559 (b) subject to Section 63N-3-607, proposes the capture of a maximum of 80% of each

3560 taxing entity's tax increment above the base year for a term of no more than 25 consecutive

3561 years on each parcel within a 45-year period not to exceed the tax increment amount approved  
3562 in the housing and transit reinvestment zone proposal; and

3563 (c) the commencement of collection of tax increment, for all or a portion of the  
3564 housing and transit reinvestment zone, will be triggered by providing notice as described in  
3565 Subsection (6).

3566 (5) If a parcel is bisected by the 1/3 mile radius, the full parcel may be included as part  
3567 of the housing and transit reinvestment zone area and will not count against the limitations  
3568 described in Subsection (4)(a).

3569 (6) The notice of commencement of collection of tax increment required in Subsection  
3570 (4)(c) shall be sent by mail or electronically to:

3571 (a) the tax commission;

3572 (b) the State Board of Education;

3573 (c) the state auditor;

3574 (d) the auditor of the county in which the housing and transit reinvestment zone is  
3575 located;

3576 (e) each taxing entity affected by the collection of tax increment from the housing and  
3577 transit reinvestment zone; and

3578 (f) the Governor's Office of Economic Opportunity.

3579 (7) (a) This Subsection (7) applies to a specified county, as defined in Section  
3580 17-27a-408, that has created a small public transit district on or before January 1, 2022.

3581 (b) A county described in Subsection (7)(a) shall create a housing and transit  
3582 reinvestment zone on or before December 31, 2022.

3583 Section 40. Section **72-1-304** is amended to read:

3584 **72-1-304. Written project prioritization process for new transportation capacity**  
3585 **projects -- Rulemaking.**

3586 (1) (a) The Transportation Commission, in consultation with the department and the  
3587 metropolitan planning organizations as defined in Section **72-1-208.5**, shall develop a written  
3588 prioritization process for the prioritization of:

3589 (i) new transportation capacity projects that are or will be part of the state highway  
3590 system under Chapter 4, Part 1, State Highways;

3591 (ii) paved pedestrian or paved nonmotorized transportation projects that:

- 3592 (A) mitigate traffic congestion on the state highway system; and  
3593 (B) are part of an active transportation plan approved by the department;  
3594 (iii) public transit projects that directly add capacity to the public transit systems within  
3595 the state, not including facilities ancillary to the public transit system; and  
3596 (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
3597 public transit system.
- 3598 (b) (i) A local government or district may nominate a project for prioritization in  
3599 accordance with the process established by the commission in rule.
- 3600 (ii) If a local government or district nominates a project for prioritization by the  
3601 commission, the local government or district shall provide data and evidence to show that:
- 3602 (A) the project will advance the purposes and goals described in Section 72-1-211;  
3603 (B) for a public transit project, the local government or district has an ongoing funding  
3604 source for operations and maintenance of the proposed development; and  
3605 (C) the local government or district will provide 40% of the costs for the project as  
3606 required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).
- 3607 (2) The following shall be included in the written prioritization process under  
3608 Subsection (1):
- 3609 (a) a description of how the strategic initiatives of the department adopted under  
3610 Section 72-1-211 are advanced by the written prioritization process;
- 3611 (b) a definition of the type of projects to which the written prioritization process  
3612 applies;
- 3613 (c) specification of a weighted criteria system that is used to rank proposed projects  
3614 and how it will be used to determine which projects will be prioritized;
- 3615 (d) specification of the data that is necessary to apply the weighted ranking criteria; and  
3616 (e) any other provisions the commission considers appropriate, which may include  
3617 consideration of:
- 3618 (i) regional and statewide economic development impacts, including improved local  
3619 access to:
- 3620 (A) employment;  
3621 (B) educational facilities;  
3622 (C) recreation;

3623 (D) commerce; and  
3624 (E) residential areas, including moderate income housing as demonstrated in the local  
3625 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;  
3626 (ii) the extent to which local land use plans relevant to a project support and  
3627 accomplish the strategic initiatives adopted under Section 72-1-211; and  
3628 (iii) any matching funds provided by a political subdivision or public transit district in  
3629 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).  
3630 (3) (a) When prioritizing a public transit project that increases capacity, the  
3631 commission:  
3632 (i) may give priority consideration to projects that are part of a transit-oriented  
3633 development or transit-supportive development as defined in Section 17B-2a-802; and  
3634 (ii) shall give priority consideration to projects that are within the boundaries of a  
3635 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,  
3636 Housing and Transit Reinvestment Zone Act.  
3637 (b) When prioritizing a transportation project that increases capacity, the commission  
3638 may give priority consideration to projects that are:  
3639 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:  
3640 (A) the state is a participant in the transportation reinvestment zone; or  
3641 (B) the commission finds that the transportation reinvestment zone provides a benefit  
3642 to the state transportation system; or  
3643 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant  
3644 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.  
3645 (c) If the department receives a notice of prioritization for a municipality as described  
3646 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
3647 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority  
3648 consideration to transportation projects that are within the boundaries of the municipality or the  
3649 unincorporated areas of the county.  
3650 (4) In developing the written prioritization process, the commission:  
3651 (a) shall seek and consider public comment by holding public meetings at locations  
3652 throughout the state; and  
3653 (b) may not consider local matching dollars as provided under Section 72-2-123 unless

3654 the state provides an equal opportunity to raise local matching dollars for state highway  
3655 improvements within each county.

3656 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3657 Transportation Commission, in consultation with the department, shall make rules establishing  
3658 the written prioritization process under Subsection (1).

3659 (6) The commission shall submit the proposed rules under this section to a committee  
3660 or task force designated by the Legislative Management Committee for review prior to taking  
3661 final action on the proposed rules or any proposed amendment to the rules described in  
3662 Subsection (5).

3663 Section 41. Section **72-2-124** is amended to read:

3664 **72-2-124. Transportation Investment Fund of 2005.**

3665 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
3666 of 2005.

3667 (2) The fund consists of money generated from the following sources:

3668 (a) any voluntary contributions received for the maintenance, construction,  
3669 reconstruction, or renovation of state and federal highways;

3670 (b) appropriations made to the fund by the Legislature;

3671 (c) registration fees designated under Section [41-1a-1201](#);

3672 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
3673 [59-12-103](#); and

3674 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

3675 (3) (a) The fund shall earn interest.

3676 (b) All interest earned on fund money shall be deposited into the fund.

3677 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
3678 fund money to pay:

3679 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
3680 federal highways prioritized by the Transportation Commission through the prioritization  
3681 process for new transportation capacity projects adopted under Section [72-1-304](#);

3682 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
3683 projects described in Subsections [63B-18-401](#)(2), (3), and (4);

3684 (iii) principal, interest, and issuance costs of bonds authorized by Section [63B-18-401](#)

3685 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
3686 with Subsection 72-2-121(4)(e);

3687 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
3688 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
3689 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
3690 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

3691 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
3692 for projects prioritized in accordance with Section 72-2-125;

3693 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
3694 the Centennial Highway Fund created by Section 72-2-118;

3695 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
3696 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described  
3697 in Section 72-2-121;

3698 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
3699 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved  
3700 nonmotorized transportation for projects that:

3701 (A) mitigate traffic congestion on the state highway system;

3702 (B) are part of an active transportation plan approved by the department; and

3703 (C) are prioritized by the commission through the prioritization process for new  
3704 transportation capacity projects adopted under Section 72-1-304;

3705 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
3706 reconstruction, or renovation of or improvement to the following projects:

3707 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

3708 (B) Geneva Road from University Parkway to 1800 South;

3709 (C) the SR-97 interchange at 5600 South on I-15;

3710 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

3711 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

3712 (F) improvements to 1600 North in Orem from 1200 West to State Street;

3713 (G) widening I-15 between mileposts 6 and 8;

3714 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

3715 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in



3716 Spanish Fork Canyon;

3717 (J) I-15 northbound between mileposts 43 and 56;

3718 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43

3719 and 45.1;

3720 (L) east Zion SR-9 improvements;

3721 (M) Toquerville Parkway;

3722 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

3723 (O) for construction of an interchange on Bangerter Highway at 13400 South; and

3724 (P) an environmental impact study for Kimball Junction in Summit County; and

3725 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project

3726 costs based upon a statement of cash flow that the local jurisdiction where the project is located

3727 provides to the department demonstrating the need for money for the project, for the following

3728 projects in the following amounts:

3729 (A) \$5,000,000 for Payson Main Street repair and replacement;

3730 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

3731 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

3732 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40

3733 between mile markers 7 and 10.

3734 (b) The executive director may use fund money to exchange for an equal or greater

3735 amount of federal transportation funds to be used as provided in Subsection (4)(a).

3736 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of

3737 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director

3738 may not program fund money to a project prioritized by the commission under Section

3739 72-1-304, including fund money from the Transit Transportation Investment Fund, within the

3740 boundaries of [~~a municipality that is required to adopt a moderate income housing plan element~~

3741 ~~as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the~~

3742 ~~municipality has failed to adopt a moderate income housing plan element as part of the~~

3743 ~~municipality's general plan or has failed to implement the requirements of the moderate income~~

3744 ~~housing plan as determined by the results of the Department of Workforce Service's review of~~

3745 ~~the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii)] the~~

3746 municipality during the fiscal year specified in the notice.

3747           ~~[(b) Within the boundaries of a municipality that is required under Subsection~~  
3748 ~~10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate~~  
3749 ~~income housing plan element as part of the municipality's general plan or has failed to~~  
3750 ~~implement the requirements of the moderate income housing plan as determined by the results~~  
3751 ~~of the Department of Workforce Service's review of the annual moderate income housing~~  
3752 ~~report described in Subsection 35A-8-803(1)(a)(vii), the executive director:]~~

3753           (b) Within the boundaries of a municipality described in Subsection (5)(a), the  
3754 executive director:

3755           (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
3756 facility or interchange connecting limited-access facilities;

3757           (ii) may not program fund money for the construction, reconstruction, or renovation of  
3758 an interchange on a limited-access facility;

3759           (iii) may program Transit Transportation Investment Fund money for a  
3760 multi-community fixed guideway public transportation project; and

3761           (iv) may not program Transit Transportation Investment Fund money for the  
3762 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
3763 transportation project.

3764           (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
3765 director before ~~[May 1, 2020]~~ July 1, 2022, for projects prioritized by the commission under  
3766 Section 72-1-304.

3767           (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of  
3768 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may  
3769 not program fund money to a project prioritized by the commission under Section 72-1-304,  
3770 including fund money from the Transit Transportation Investment Fund, within the boundaries  
3771 of the unincorporated area of [a county, if the county is required to adopt a moderate income  
3772 housing plan element as part of the county's general plan as described in Subsection  
3773 17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as  
3774 part of the county's general plan or has failed to implement the requirements of the moderate  
3775 income housing plan as determined by the results of the Department of Workforce Service's  
3776 review of the annual moderate income housing report described in Subsection  
3777 35A-8-803(1)(a)(vii)] the county during the fiscal year specified in the notice.

3778            [~~(b) Within the boundaries of the unincorporated area of a county where the county is~~  
3779 ~~required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has~~  
3780 ~~failed to adopt a moderate income housing plan element as part of the county's general plan or~~  
3781 ~~has failed to implement the requirements of the moderate income housing plan as determined~~  
3782 ~~by the results of the Department of Workforce Service's review of the annual moderate income~~  
3783 ~~housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:]~~

3784            (b) Within the boundaries of the unincorporated area of a county described in  
3785 Subsection (6)(a), the executive director:

3786            (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
3787 facility to a project prioritized by the commission under Section 72-1-304;

3788            (ii) may not program fund money for the construction, reconstruction, or renovation of  
3789 an interchange on a limited-access facility;

3790            (iii) may program Transit Transportation Investment Fund money for a  
3791 multi-community fixed guideway public transportation project; and

3792            (iv) may not program Transit Transportation Investment Fund money for the  
3793 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
3794 transportation project.

3795            (c) Subsections [~~(5)~~] (6)(a) and (b) do not apply to a project programmed by the  
3796 executive director before July 1, [~~2020~~] 2022, for projects prioritized by the commission under  
3797 Section 72-1-304.

3798            (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued  
3799 in any fiscal year, the department and the commission shall appear before the Executive  
3800 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
3801 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),  
3802 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

3803            (b) The Executive Appropriations Committee of the Legislature shall review and  
3804 comment on the amount of bond proceeds needed to fund the projects.

3805            (8) The Division of Finance shall, from money deposited into the fund, transfer the  
3806 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
3807 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or  
3808 sinking fund.

3809 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
3810 Transportation Investment Fund.

3811 (b) The fund shall be funded by:

3812 (i) contributions deposited into the fund in accordance with Section 59-12-103;

3813 (ii) appropriations into the account by the Legislature;

3814 (iii) deposits of sales and use tax increment related to a housing and transit  
3815 reinvestment zone as described in Section 63N-3-610;

3816 (iv) private contributions; and

3817 (v) donations or grants from public or private entities.

3818 (c) (i) The fund shall earn interest.

3819 (ii) All interest earned on fund money shall be deposited into the fund.

3820 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund  
3821 for public transit capital development of new capacity projects to be used as prioritized by the  
3822 commission through the prioritization process adopted under Section 72-1-304.

3823 (e) (i) The Legislature may only appropriate money from the fund for a public transit  
3824 capital development project or pedestrian or nonmotorized transportation project that provides  
3825 connection to the public transit system if the public transit district or political subdivision  
3826 provides funds of equal to or greater than 40% of the costs needed for the project.

3827 (ii) A public transit district or political subdivision may use money derived from a loan  
3828 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or  
3829 part of the 40% requirement described in Subsection (9)(e)(i) if:

3830 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
3831 State Infrastructure Bank Fund; and

3832 (B) the proposed capital project has been prioritized by the commission pursuant to  
3833 Section 72-1-303.

3834 (10) (a) There is created in the Transportation Investment Fund of 2005 the  
3835 Cottonwood Canyons Transportation Investment Fund.

3836 (b) The fund shall be funded by:

3837 (i) money deposited into the fund in accordance with Section 59-12-103;

3838 (ii) appropriations into the account by the Legislature;

3839 (iii) private contributions; and

3840 (iv) donations or grants from public or private entities.

3841 (c) (i) The fund shall earn interest.

3842 (ii) All interest earned on fund money shall be deposited into the fund.

3843 (d) The Legislature may appropriate money from the fund for public transit or

3844 transportation projects in the Cottonwood Canyons of Salt Lake County.

3845 Section 42. **Appropriation.**

3846 The following sums of money are appropriated for the fiscal year beginning July 1,  
3847 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
3848 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
3849 Act, the Legislature appropriates the following sums of money from the funds or accounts  
3850 indicated for the use and support of the government of the state of Utah.

3851 ITEM 1

3852 To Department of Workforce Services -- Housing and Community Development

3853 From General Fund, One-time \$500,000

3854 Schedule of Programs:

3855 Housing Development \$500,000

3856 The Legislature intends that the Department of Workforce Services use funds  
3857 appropriated under this item to develop a statewide database for moderate income housing  
3858 units as described in Subsection [35A-8-803\(1\)\(a\)\(viii\)](#).

3859 ITEM 2

3860 To Department of Workforce Services -- Housing and Community Development

3861 From General Fund, One-time \$750,000

3862 Schedule of Programs:

3863 Housing Development \$750,000

3864 The Legislature intends that:

3865 (1) the Department of Workforce Services use \$375,000 of the funds appropriated  
3866 under this item in each of the fiscal years 2023 and 2024 to provide assistance to landlords  
3867 under the Department of Workforce Services' Section 8 Landlord Incentive Program; and

3868 (2) under the terms of Section [63J-1-603](#) of the Utah Code, appropriations under this  
3869 item not lapse at the close of fiscal year 2023.

3870 ITEM 3

3871 To Department of Workforce Services -- Administration

3872 From General Fund \$132,000

3873 Schedule of Programs:

3874 Administrative Support \$132,000

3875 The Legislature intends that the Department of Workforce Services use funds

3876 appropriated under this item to hire one full-time equivalent employee.

3877 ITEM 4

3878 To Department of Workforce Services -- Housing and Community Development

3879 From General Fund, One-time \$250,000

3880 Schedule of Programs:

3881 Housing Development \$250,000

3882 The Legislature intends that:

3883 (1) the Department of Workforce Services distribute funds appropriated under this item

3884 to a nonprofit entity in the state that provides training and education on land use law;

3885 (2) the Department of Workforce Services follow the provisions of Title 63G, Chapter

3886 6a, Utah Procurement Code, in selecting the recipient entity; and

3887 (3) the recipient entity use funds distributed from the Department of Workforce

3888 Services under this item to provide regional land use training and workshops to local officials

3889 and policymakers on housing issues.

3890 ITEM 5

3891 To Department of Workforce Services -- Housing and Community Development

3892 From General Fund, One-time \$250,000

3893 Schedule of Programs:

3894 Housing Development \$250,000

3895 The Legislature intends that:

3896 (1) the Department of Workforce Services distribute funds appropriated under this item

3897 to a nonprofit entity in the state that engages in efforts to increase housing affordability through

3898 local zoning and housing regulation reform; and

3899 (2) the Department of Workforce Services follow the provisions of Title 63G, Chapter

3900 6a, Utah Procurement Code, in selecting the recipient entity.

3901 Section 43. **Effective date.**

3902 This bill takes effect on June 1, 2022.

3903 Section 44. **Coordinating H.B. 462 with H.B. 303 -- Substantive amendment.**

3904 If this H.B. 462 and H.B. 303, Local Land Use Amendments, both pass and become

3905 law, it is the intent of the Legislature that the Office of Legislative Research and General

3906 Counsel on June 1, 2022, prepare the Utah Code database for publication by amending

3907 Subsection [10-9a-403](#)(2)(b)(iii)(X) in H.B. 462 to read:

3908 " ~~(W)~~ (X) demonstrate implementation of any other program or strategy

3909 [~~implemented by the municipality~~] to address the housing needs of residents of the

3910 municipality who earn less than 80% of the area median income, including the dedication of a

3911 local funding source to moderate income housing or, notwithstanding Section [10-9a-535](#), the

3912 adoption of a land use ordinance that requires 10% or more of new residential development in a

3913 residential zone be dedicated to moderate income housing; and".