

Superseded 5/12/2015

35A-8-1103 Methamphetamine Housing Reconstruction and Rehabilitation Account -- Creation -- Interest -- Use of contributions and interest.

- (1) There is created within the General Fund a restricted account known as the Methamphetamine Housing Reconstruction and Rehabilitation Account.
- (2) The account shall be funded by:
 - (a) contributions deposited into the account in accordance with Section 59-10-1314; and
 - (b) interest described in Subsection (3).
- (3)
 - (a) The account shall earn interest.
 - (b) Interest earned on the account shall be deposited into the account.
- (4)
 - (a) The division shall distribute contributions and interest deposited into the account to one or more qualified housing organizations.
 - (b)
 - (i) Subject to Subsection (4)(b)(ii), a qualified housing organization that receives a distribution from the division in accordance with Subsection (4)(a) shall expend the distribution to:
 - (A) reconstruct or rehabilitate one or more residences that are:
 - (I) sold to low-income persons selected by the qualified housing organization in accordance with any rules the division makes as authorized by this section; and
 - (II) financed with loans that are not subject to interest as determined by the qualified housing organization in accordance with any rules the division makes as authorized by this section; or
 - (B) purchase property upon which a residence described in Subsection (4)(b)(i)(A) is reconstructed or rehabilitated.
 - (ii) A qualified housing organization may not expend a distribution the qualified housing organization receives in accordance with this Subsection (4) for any administrative cost relating to an expenditure authorized by Subsection (4)(b)(i).
- (5)
 - (a) In accordance with any rules the division makes as authorized under Subsection (6)(c), a qualified housing organization may apply to the division to receive a distribution under Subsection (4).
 - (b) A qualified housing organization may apply to the division to receive a distribution under Subsection (4) by filing an application with the division:
 - (i) on or before November 1; and
 - (ii) on a form provided by the division.
 - (c) The application:
 - (i) shall include information required by the division establishing that the qualified housing organization owns each residence with respect to which the qualified housing organization plans to expend a distribution under Subsection (4);
 - (ii) shall include information required by the division establishing the qualified housing organization's plan to expend the distribution for a purpose described in Subsection (4)(b)(i);
 - (iii) shall include information required by the division establishing that the qualified housing organization's plan to expend the distribution meets conditions established in accordance with Title 19, Chapter 6, Part 9, Illegal Drug Operations Site Reporting and Decontamination Act, for a local health department to remove the residence from the local health department's decontamination list; and
 - (iv) may include other information the division requires by rule.

- (d) The division shall determine on or before the November 30 immediately following the November 1 described in Subsection (5)(b)(i) whether a qualified housing organization's application to the division meets the requirements of Subsection (5)(c).
- (e)
 - (i) The division shall distribute money credited to the account to each qualified housing organization that meets the requirements of Subsection (5)(c) as determined by the division:
 - (A) on or before the December 31 immediately following the November 1 described in Subsection (5)(b)(i); and
 - (B) in accordance with this Subsection (5)(e).
 - (ii) The division shall determine:
 - (A) the population of the county in which a qualified housing organization that meets the requirements of Subsection (5)(c) is headquartered; and
 - (B) the total population of all of the counties in which the qualified housing organizations that meet the requirements of Subsection (5)(c) are headquartered.
 - (iii) Except as provided in Subsection (5)(e)(iv), the division shall determine a qualified housing organization's distribution by making the following calculation:
 - (A) calculating a percentage determined by dividing the population of the county in which the qualified housing organization that meets the requirements of Subsection (5)(c) is headquartered by the population calculated under Subsection (5)(e)(ii)(B); and
 - (B) multiplying the percentage determined under Subsection (5)(e)(iii)(A) by the account balance.
 - (iv) If two or more qualified housing organizations that meet the requirements of Subsection (5)(c) as determined by the division are headquartered within one county, the division shall determine each qualified housing organization's distribution by:
 - (A) making the calculation required by Subsection (5)(e)(iii); and
 - (B) dividing the amount calculated under Subsection (5)(e)(iii) by the number of qualified housing organizations that meet the requirements of Subsection (5)(c) as determined by the division that are headquartered within the county.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules:
 - (a) to define what constitutes:
 - (i) a low-income person;
 - (ii) a loan that is not subject to interest; and
 - (iii) an apartment or other rental unit;
 - (b) for determining the circumstances under which real property is appurtenant to a residence;
 - (c) prescribing information a qualified housing organization is required to include with an application under Subsection (5);
 - (d) for purposes of Subsection (5)(e), for determining the population of a county; and
 - (e) for determining the county in which a qualified housing organization is headquartered.