

Utah Housing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

LONG TITLE**Committee Note:**

The Political Subdivisions Interim Committee recommended this bill.

Legislative Vote: 9 voting for 1 voting against 6 absent

General Description:

This bill deals with housing development and housing policy.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes a municipality or county to implement a density overlay in a housing-eligible zone of the municipality or county;
- ▶ authorizes a municipality or county to add additional requirements for development in a density overlay if the area is undeveloped at the time the municipality or county adopts the density overlay;
- ▶ beginning January 1, 2027, requires a specified municipality or specified county to include in the specified municipality's or specified county's moderate income housing report information on affordable housing density within the specified municipality or specified county;
- ▶ authorizes a municipality or county to consider an applicant's agreement to develop moderate income housing in an area subject to a density overlay in the municipality's or county's determination of whether to approve or deny a land use application;
- ▶ requires the Housing and Community Development Division ("Division") to analyze all moderate income housing reports received by the Division before January 1, 2025;
- ▶ requires the Division to provide a report to the Political Subdivisions Interim Committee;
- ▶ authorizes the Division to make rules regarding the form and content of a moderate income housing report;
- ▶ requires the Commission on Housing Affordability ("Commission") to develop a series of recommended regional strategic plans for housing, including affordable housing;
- ▶ requires the Commission to submit an annual written report to the Political Subdivisions

32 Interim Committee; and
 33 ▸ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **10-9a-403**, as last amended by Laws of Utah 2024, Chapters 431, 537
 41 **10-9a-408**, as last amended by Laws of Utah 2024, Chapters 413, 438
 42 **10-9a-535**, as enacted by Laws of Utah 2022, Chapter 355
 43 **17-27a-403**, as last amended by Laws of Utah 2024, Chapters 381, 431
 44 **17-27a-408**, as last amended by Laws of Utah 2024, Chapters 381, 413
 45 **17-27a-531**, as enacted by Laws of Utah 2022, Chapter 355
 46 **35A-8-202**, as last amended by Laws of Utah 2021, Chapter 281
 47 **35A-8-2203**, as last amended by Laws of Utah 2022, Chapters 118, 406
 48 **35A-8-2204**, as last amended by Laws of Utah 2020, Chapter 268

49 ENACTS:

50 **10-9a-403.2**, Utah Code Annotated 1953
 51 **10-9a-408.1**, Utah Code Annotated 1953
 52 **17-27a-403.1**, Utah Code Annotated 1953
 53 **17-27a-408.1**, Utah Code Annotated 1953

54

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

56 Section 1. Section **10-9a-403** is amended to read:

57 **10-9a-403 . General plan preparation.**

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

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

65 (c) The plan may include areas outside the boundaries of the municipality if, in the

66 planning commission's judgment, those areas are related to the planning of the
67 municipality's territory.

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

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

75 (i) a land use element that:

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

81 (B) includes a statement of the projections for and standards of population density
82 and building intensity recommended for the various land use categories
83 covered by the plan;

84 (C) except for a city of the fifth class or a town, is coordinated to integrate the
85 land use element with the water use and preservation element; and

86 (D) except for a city of the fifth class or a town, accounts for the effect of land use
87 categories and land uses on water demand;

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

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

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

98 (C) for a municipality that does not have access to a major transit investment
99 corridor, addresses the municipality's plan for residential and commercial

- 100 development in areas that will maintain and improve the connections between
101 housing, transportation, employment, education, recreation, and commerce; and
102 (D) correlates with the population projections, the employment projections, and
103 the proposed land use element of the general plan;
- 104 (iii) a moderate income housing element that:
- 105 (A) provides a realistic opportunity to meet the need for additional moderate
106 income housing within the municipality during the next five years;
- 107 (B) for a ~~town~~ municipality that is not a specified municipality, may include a
108 recommendation to implement three or more of the moderate income housing
109 strategies described in Subsection (2)(b)(iii);
- 110 (C) for a specified municipality, as defined in Section 10-9a-408, that does not
111 have a fixed guideway public transit station, shall include a recommendation to
112 implement three or more of the moderate income housing strategies described
113 in Subsection (2)(b)(iii);
- 114 (D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed
115 guideway public transit station, shall include a recommendation to implement
116 five or more of the moderate income housing strategies described in Subsection
117 (2)(b)(iii), of which one shall be the moderate income housing strategy
118 described in Subsection (2)(b)(iii)(W), and one shall be a moderate income
119 housing strategy described in Subsection (2)(b)(iii)(G), (H), or (Q); and
- 120 (E) for a specified municipality, as defined in Section 10-9a-408, shall include an
121 implementation plan as provided in Subsection (2)(c); and
- 122 (iv) except for a city of the fifth class or a town, a water use and preservation element
123 that addresses:
- 124 (A) the effect of permitted development or patterns of development on water
125 demand and water infrastructure;
- 126 (B) methods of reducing water demand and per capita consumption for future
127 development;
- 128 (C) methods of reducing water demand and per capita consumption for existing
129 development; and
- 130 (D) opportunities for the municipality to modify the municipality's operations to
131 eliminate practices or conditions that waste water.
- 132 (b) In drafting the moderate income housing element, the planning commission:
- 133 (i) shall consider the Legislature's determination that municipalities shall facilitate a

- 134 reasonable opportunity for a variety of housing, including moderate income
135 housing:
- 136 (A) to meet the needs of people of various income levels living, working, or
137 desiring to live or work in the community; and
- 138 (B) to allow people with various incomes to benefit from and fully participate in
139 all aspects of neighborhood and community life;
- 140 (ii) for a [town] municipality that is not a specified municipality, may include, and for
141 a specified municipality as defined in Section 10-9a-408, shall include, an analysis
142 of how the municipality will provide a realistic opportunity for the development of
143 moderate income housing within the next five years;
- 144 (iii) for a [town] municipality that is not a specified municipality, may include, and
145 for a specified municipality as defined in Section 10-9a-408, shall include a
146 recommendation to implement the required number of any of the following
147 moderate income housing strategies as specified in Subsection (2)(a)(iii):
- 148 (A) rezone for densities necessary to facilitate the production of moderate income
149 housing, including by implementing a density overlay as described in Section
150 10-9a-403.2;
- 151 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
152 facilitates the construction of moderate income housing;
- 153 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
154 stock into moderate income housing;
- 155 (D) identify and utilize general fund subsidies or other sources of revenue to
156 waive construction related fees that are otherwise generally imposed by the
157 municipality for the construction or rehabilitation of moderate income housing;
- 158 (E) create or allow for, and reduce regulations related to, internal or detached
159 accessory dwelling units in residential zones;
- 160 (F) zone or rezone for higher density or moderate income residential development
161 in commercial or mixed-use zones near major transit investment corridors,
162 commercial centers, or employment centers;
- 163 (G) amend land use regulations to allow for higher density or new moderate
164 income residential development in commercial or mixed-use zones near major
165 transit investment corridors;
- 166 (H) amend land use regulations to eliminate or reduce parking requirements for
167 residential development where a resident is less likely to rely on the resident's

- 168 own vehicle, such as residential development near major transit investment
169 corridors or senior living facilities;
- 170 (I) amend land use regulations to allow for single room occupancy developments;
- 171 (J) implement zoning incentives for moderate income units in new developments;
- 172 (K) preserve existing and new moderate income housing and subsidized units by
173 utilizing a landlord incentive program, providing for deed restricted units
174 through a grant program, or, notwithstanding Section 10-9a-535, establishing a
175 housing loss mitigation fund;
- 176 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 177 (M) demonstrate creation of, or participation in, a community land trust program
178 for moderate income housing;
- 179 (N) implement a mortgage assistance program for employees of the municipality,
180 an employer that provides contracted services to the municipality, or any other
181 public employer that operates within the municipality;
- 182 (O) apply for or partner with an entity that applies for state or federal funds or tax
183 incentives to promote the construction of moderate income housing, an entity
184 that applies for programs offered by the Utah Housing Corporation within that
185 agency's funding capacity, an entity that applies for affordable housing
186 programs administered by the Department of Workforce Services, an entity
187 that applies for affordable housing programs administered by an association of
188 governments established by an interlocal agreement under Title 11, Chapter 13,
189 Interlocal Cooperation Act, an entity that applies for services provided by a
190 public housing authority to preserve and create moderate income housing, or
191 any other entity that applies for programs or services that promote the
192 construction or preservation of moderate income housing;
- 193 (P) demonstrate utilization of a moderate income housing set aside from a
194 community reinvestment agency, redevelopment agency, or community
195 development and renewal agency to create or subsidize moderate income
196 housing;
- 197 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter
198 3, Part 6, Housing and Transit Reinvestment Zone Act;
- 199 (R) create a home ownership promotion zone pursuant to Part 10, Home
200 Ownership Promotion Zone for Municipalities;
- 201 (S) eliminate impact fees for any accessory dwelling unit that is not an internal

- 202 accessory dwelling unit as defined in Section 10-9a-530;
- 203 (T) create a program to transfer development rights for moderate income housing;
- 204 (U) ratify a joint acquisition agreement with another local political subdivision for
- 205 the purpose of combining resources to acquire property for moderate income
- 206 housing;
- 207 (V) develop a moderate income housing project for residents who are disabled or
- 208 55 years old or older;
- 209 (W) develop and adopt a station area plan in accordance with Section 10-9a-403.1;
- 210 (X) create or allow for, and reduce regulations related to, multifamily residential
- 211 dwellings compatible in scale and form with detached single-family residential
- 212 dwellings and located in walkable communities within residential or mixed-use
- 213 zones;
- 214 (Y) create a first home investment zone in accordance with Title 63N, Chapter 3,
- 215 Part 16, First Home Investment Zone Act; and
- 216 (Z) demonstrate implementation of any other program or strategy to address the
- 217 housing needs of residents of the municipality who earn less than 80% of the
- 218 area median income, including the dedication of a local funding source to
- 219 moderate income housing or the adoption of a land use ordinance that requires
- 220 10% or more of new residential development in a residential zone be dedicated
- 221 to moderate income housing; and
- 222 (iv) shall identify each moderate income housing strategy recommended to the
- 223 legislative body for implementation by restating the exact language used to
- 224 describe the strategy in Subsection (2)(b)(iii).
- 225 (c)(i) In drafting the implementation plan portion of the moderate income housing
- 226 element as described in Subsection (2)(a)(iii)(C), the planning commission shall
- 227 recommend to the legislative body the establishment of a five-year timeline for
- 228 implementing each of the moderate income housing strategies selected by the
- 229 municipality for implementation.
- 230 (ii) The timeline described in Subsection (2)(c)(i) shall:
- 231 (A) identify specific measures and benchmarks for implementing each moderate
- 232 income housing strategy selected by the municipality, whether one-time or
- 233 ongoing; and
- 234 (B) provide flexibility for the municipality to make adjustments as needed.
- 235 (d) In drafting the land use element, the planning commission shall:

- 236 (i) identify and consider each agriculture protection area within the municipality;
- 237 (ii) avoid proposing a use of land within an agriculture protection area that is
- 238 inconsistent with or detrimental to the use of the land for agriculture; and
- 239 (iii) consider and coordinate with any station area plans adopted by the municipality
- 240 if required under Section 10-9a-403.1.
- 241 (e) In drafting the transportation and traffic circulation element, the planning
- 242 commission shall:
- 243 (i)(A) consider and coordinate with the regional transportation plan developed by
- 244 the municipality's region's metropolitan planning organization, if the
- 245 municipality is within the boundaries of a metropolitan planning organization;
- 246 or
- 247 (B) consider and coordinate with the long-range transportation plan developed by
- 248 the Department of Transportation, if the municipality is not within the
- 249 boundaries of a metropolitan planning organization; and
- 250 (ii) consider and coordinate with any station area plans adopted by the municipality if
- 251 required under Section 10-9a-403.1.
- 252 (f) In drafting the water use and preservation element, the planning commission:
- 253 (i) shall consider:
- 254 (A) applicable regional water conservation goals recommended by the Division of
- 255 Water Resources; and
- 256 (B) if Section 73-10-32 requires the municipality to adopt a water conservation
- 257 plan pursuant to Section 73-10-32, the municipality's water conservation plan;
- 258 (ii) shall include a recommendation for:
- 259 (A) water conservation policies to be determined by the municipality; and
- 260 (B) landscaping options within a public street for current and future development
- 261 that do not require the use of lawn or turf in a parkstrip;
- 262 (iii) shall review the municipality's land use ordinances and include a
- 263 recommendation for changes to an ordinance that promotes the inefficient use of
- 264 water;
- 265 (iv) shall consider principles of sustainable landscaping, including the:
- 266 (A) reduction or limitation of the use of lawn or turf;
- 267 (B) promotion of site-specific landscape design that decreases stormwater runoff
- 268 or runoff of water used for irrigation;
- 269 (C) preservation and use of healthy trees that have a reasonable water requirement

- 270 or are resistant to dry soil conditions;
- 271 (D) elimination or regulation of ponds, pools, and other features that promote
272 unnecessary water evaporation;
- 273 (E) reduction of yard waste; and
- 274 (F) use of an irrigation system, including drip irrigation, best adapted to provide
275 the optimal amount of water to the plants being irrigated;
- 276 (v) shall consult with the public water system or systems serving the municipality
277 with drinking water regarding how implementation of the land use element and
278 water use and preservation element may affect:
- 279 (A) water supply planning, including drinking water source and storage capacity
280 consistent with Section 19-4-114; and
- 281 (B) water distribution planning, including master plans, infrastructure asset
282 management programs and plans, infrastructure replacement plans, and impact
283 fee facilities plans;
- 284 (vi) shall consult with the Division of Water Resources for information and technical
285 resources regarding regional water conservation goals, including how
286 implementation of the land use element and the water use and preservation
287 element may affect the Great Salt Lake;
- 288 (vii) may include recommendations for additional water demand reduction strategies,
289 including:
- 290 (A) creating a water budget associated with a particular type of development;
- 291 (B) adopting new or modified lot size, configuration, and landscaping standards
292 that will reduce water demand for new single family development;
- 293 (C) providing one or more water reduction incentives for existing development
294 such as modification of existing landscapes and irrigation systems and
295 installation of water fixtures or systems that minimize water demand;
- 296 (D) discouraging incentives for economic development activities that do not
297 adequately account for water use or do not include strategies for reducing
298 water demand; and
- 299 (E) adopting water concurrency standards requiring that adequate water supplies
300 and facilities are or will be in place for new development; and
- 301 (viii) for a town, may include, and for another municipality, shall include, a
302 recommendation for low water use landscaping standards for a new:
- 303 (A) commercial, industrial, or institutional development;

- 304 (B) common interest community, as defined in Section 57-25-102; or
305 (C) multifamily housing project.
- 306 (3) The proposed general plan may include:
- 307 (a) an environmental element that addresses:
- 308 (i) the protection, conservation, development, and use of natural resources, including
309 the quality of:
- 310 (A) air;
311 (B) forests;
312 (C) soils;
313 (D) rivers;
314 (E) groundwater and other waters;
315 (F) harbors;
316 (G) fisheries;
317 (H) wildlife;
318 (I) minerals; and
319 (J) other natural resources; and
- 320 (ii)(A) the reclamation of land, flood control, prevention and control of the
321 pollution of streams and other waters;
322 (B) the regulation of the use of land on hillsides, stream channels and other
323 environmentally sensitive areas;
324 (C) the prevention, control, and correction of the erosion of soils;
325 (D) the preservation and enhancement of watersheds and wetlands; and
326 (E) the mapping of known geologic hazards;
- 327 (b) a public services and facilities element showing general plans for sewage, water,
328 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for
329 them, police and fire protection, and other public services;
- 330 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
331 programs for:
- 332 (i) historic preservation;
333 (ii) the diminution or elimination of a development impediment as defined in Section
334 17C-1-102; and
335 (iii) redevelopment of land, including housing sites, business and industrial sites, and
336 public building sites;
- 337 (d) an economic element composed of appropriate studies and forecasts, as well as an

- 338 economic development plan, which may include review of existing and projected
 339 municipal revenue and expenditures, revenue sources, identification of basic and
 340 secondary industry, primary and secondary market areas, employment, and retail
 341 sales activity;
- 342 (e) recommendations for implementing all or any portion of the general plan, including
 343 the adoption of land and water use ordinances, capital improvement plans,
 344 community development and promotion, and any other appropriate action;
- 345 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3); and
 346 (g) any other element the municipality considers appropriate.

347 Section 2. Section **10-9a-403.2** is enacted to read:

348 **10-9a-403.2 . Residential density overlay.**

349 (1) As used in this section:

- 350 (a) "Density overlay" means zoning regulations applied by a municipality to a
 351 housing-eligible zone that allows:
- 352 (i) the development of:
- 353 (A) single family dwellings on small lots;
 354 (B) diverse housing options; or
 355 (C) a combination of single family dwellings on small lots and diverse housing
 356 options; and
- 357 (ii) a minimum of eight housing units per acre.
- 358 (b) "Diverse housing options" means one or more of the following types of residential
 359 units:
- 360 (i) side-by-side duplex;
 361 (ii) stacked duplex;
 362 (iii) stacked triplex;
 363 (iv) stacked four-plex;
 364 (v) courtyard building;
 365 (vi) cottage court;
 366 (vii) town home; or
 367 (viii) live-work mixed use building, in which one or more residential housing units
 368 are available above a commercial property.
- 369 (c) "Housing-eligible zone" means an area of a municipality zoned in a way that allows
 370 for the development of a residential unit, including residential zones and mixed-use
 371 zones.

- 372 (d) "Small lot" means a residential lot that is 5,400 square feet or smaller.
- 373 (e)(i) "Undeveloped" means land that has no buildings on it.
- 374 (ii) "Undeveloped" may include land that has been improved by infrastructure or
- 375 utilities if:
- 376 (A) the municipality paid for the full cost of the improvement; or
- 377 (B) the owner of the land enters into an agreement with the municipality to
- 378 designate the land as undeveloped.
- 379 (2) A municipality may implement a density overlay allowing for increased development
- 380 within housing-eligible zones of the municipality.
- 381 (3) If a legislative body adopts a density overlay in a housing-eligible zone that is
- 382 undeveloped at the time the legislative body adopts the density overlay, the municipality
- 383 may adopt additional requirements to ensure:
- 384 (a) that some or all of the residential units offered for sale in the area subject to the
- 385 density overlay be deed-restricted for up to five years to ensure owner-occupancy; or
- 386 (b) that some or all of the residential units in the density overlay be:
- 387 (i) offered for sale to an owner-occupier at a purchase price affordable to a household
- 388 with a gross income of no more than 120% of area median income for the county
- 389 in which the residential unit is offered for sale; or
- 390 (ii) offered for rent at a rental price affordable to a household with a gross income of
- 391 no more than 80% of area median income for the county in which the residential
- 392 unit is offered for rent.

393 Section 3. Section **10-9a-408** is amended to read:

394 **10-9a-408 . Moderate income housing report -- Contents -- Prioritization for**

395 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

- 396 (1) As used in this section:
- 397 (a) "Division" means the Housing and Community Development Division within the
- 398 Department of Workforce Services.
- 399 (b) "Implementation plan" means the implementation plan adopted as part of the
- 400 moderate income housing element of a specified municipality's general plan as
- 401 provided in Subsection 10-9a-403(2)(c).
- 402 (c) "Initial report" or "initial moderate income housing report" means the one-time report
- 403 described in Subsection (2).
- 404 (d) "Moderate income housing strategy" means a strategy described in Subsection
- 405 10-9a-403(2)(b)(iii).

- 406 (e) "Report" means an initial report or a subsequent progress report.
- 407 (f) "Specified municipality" means:
- 408 (i) a city of the first, second, third, or fourth class; or
- 409 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located
- 410 within a county of the first, second, or third class.
- 411 (g) "Subsequent progress report" means the annual report described in Subsection (3).
- 412 (2)(a) The legislative body of a specified municipality shall submit an initial report to
- 413 the division.
- 414 (b)(i) This Subsection (2)(b) applies to a municipality that is not a specified
- 415 municipality as of January 1, 2023.
- 416 (ii) As of January 1, if a municipality described in Subsection (2)(b)(i) changes from
- 417 one class to another or grows in population to qualify as a specified municipality,
- 418 the municipality shall submit an initial plan to the division on or before August 1
- 419 of the first calendar year beginning on January 1 in which the municipality
- 420 qualifies as a specified municipality.
- 421 (c) The initial report shall:
- 422 (i) identify each moderate income housing strategy selected by the specified
- 423 municipality for continued, ongoing, or one-time implementation, restating the
- 424 exact language used to describe the moderate income housing strategy in
- 425 Subsection 10-9a-403(2)(b)(iii); and
- 426 (ii) include an implementation plan.
- 427 (3)(a) After the division approves a specified municipality's initial report under this
- 428 section, the specified municipality shall, as an administrative act, annually submit to
- 429 the division a subsequent progress report on or before August 1 of each year after the
- 430 year in which the specified municipality is required to submit the initial report.
- 431 (b) The subsequent progress report shall include:
- 432 (i) subject to Subsection (3)(c), a description of each action, whether one-time or
- 433 ongoing, taken by the specified municipality during the previous 12-month period
- 434 to implement the moderate income housing strategies identified in the initial
- 435 report for implementation;
- 436 (ii) a description of each land use regulation or land use decision made by the
- 437 specified municipality during the previous 12-month period to implement the
- 438 moderate income housing strategies, including an explanation of how the land use
- 439 regulation or land use decision supports the specified municipality's efforts to

- 440 implement the moderate income housing strategies;
- 441 (iii) a description of any barriers encountered by the specified municipality in the
442 previous 12-month period in implementing the moderate income housing
443 strategies;
- 444 (iv) information regarding the number of internal and external or detached accessory
445 dwelling units located within the specified municipality for which the specified
446 municipality:
- 447 (A) issued a building permit to construct; or
448 (B) issued a business license or comparable license or permit to rent;
- 449 (v) the number of residential dwelling units that have been entitled that have not
450 received a building permit as of the submission date of the progress report;
- 451 (vi) shapefiles, or website links if shapefiles are not available, to current maps and
452 tables related to zoning;
- 453 (vii) a description of how the market has responded to the selected moderate income
454 housing strategies, including the number of entitled moderate income housing
455 units or other relevant data;
- 456 (viii) beginning January 1, 2026, five-year projections for housing demand in the
457 specified municipality;
- 458 (ix) beginning January 1, 2027, the information described in Section 10-9a-408.1; and
459 ~~[(viii)]~~ (x) any recommendations on how the state can support the specified
460 municipality in implementing the moderate income housing strategies.
- 461 (c) For purposes of describing actions taken by a specified municipality under
462 Subsection (3)(b)(i), the specified municipality may include an ongoing action taken
463 by the specified municipality prior to the 12-month reporting period applicable to the
464 subsequent progress report if the specified municipality:
- 465 (i) has already adopted an ordinance, approved a land use application, made an
466 investment, or approved an agreement or financing that substantially promotes the
467 implementation of a moderate income housing strategy identified in the initial
468 report; and
- 469 (ii) demonstrates in the subsequent progress report that the action taken under
470 Subsection (3)(c)(i) is relevant to making meaningful progress towards the
471 specified municipality's implementation plan.
- 472 (d) A specified municipality's report shall be in a form:
473 (i) approved by the division; and

- 474 (ii) made available by the division on or before May 1 of the year in which the report
475 is required.
- 476 (4) Within 90 days after the day on which the division receives a specified municipality's
477 report, the division shall:
- 478 (a) post the report on the division's website;
- 479 (b) send a copy of the report to the Department of Transportation, the Governor's Office
480 of Planning and Budget, the association of governments in which the specified
481 municipality is located, and, if the specified municipality is located within the
482 boundaries of a metropolitan planning organization, the appropriate metropolitan
483 planning organization; and
- 484 (c) subject to Subsection (5), review the report to determine compliance with this section.
- 485 (5)(a) An initial report does not comply with this section unless the report:
- 486 (i) includes the information required under Subsection (2)(c);
- 487 (ii) demonstrates to the division that the specified municipality made plans to
488 implement:
- 489 (A) three or more moderate income housing strategies if the specified
490 municipality does not have a fixed guideway public transit station; or
- 491 (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income
492 housing strategies if the specified municipality has a fixed guideway public
493 transit station; and
- 494 (iii) is in a form approved by the division.
- 495 (b) A subsequent progress report does not comply with this section unless the report:
- 496 (i) demonstrates to the division that the specified municipality made plans to
497 implement:
- 498 (A) three or more moderate income housing strategies if the specified
499 municipality does not have a fixed guideway public transit station; or
- 500 (B) subject to the requirements of Subsection 10-9a-403(2)(a)(iii)(D), five or more
501 moderate income housing strategies if the specified municipality has a fixed
502 guideway public transit station;
- 503 (ii) is in a form approved by the division; and
- 504 (iii) provides sufficient information for the division to:
- 505 (A) assess the specified municipality's progress in implementing the moderate
506 income housing strategies;
- 507 (B) monitor compliance with the specified municipality's implementation plan;

- 508 (C) identify a clear correlation between the specified municipality's land use
509 regulations and land use decisions and the specified municipality's efforts to
510 implement the moderate income housing strategies;
- 511 (D) identify how the market has responded to the specified municipality's selected
512 moderate income housing strategies; and
- 513 (E) identify any barriers encountered by the specified municipality in
514 implementing the selected moderate income housing strategies.
- 515 (6)(a) A specified municipality qualifies for priority consideration under this Subsection
516 (6) if the specified municipality's report:
- 517 (i) complies with this section; and
- 518 (ii) demonstrates to the division that the specified municipality made plans to
519 implement:
- 520 (A) five or more moderate income housing strategies if the specified municipality
521 does not have a fixed guideway public transit station; or
- 522 (B) six or more moderate income housing strategies if the specified municipality
523 has a fixed guideway public transit station.
- 524 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c),
525 give priority consideration to transportation projects located within the boundaries of
526 a specified municipality described in Subsection (6)(a) until the Department of
527 Transportation receives notice from the division under Subsection (6)(e).
- 528 (c) Upon determining that a specified municipality qualifies for priority consideration
529 under this Subsection (6), the division shall send a notice of prioritization to the
530 legislative body of the specified municipality and the Department of Transportation.
- 531 (d) The notice described in Subsection (6)(c) shall:
- 532 (i) name the specified municipality that qualifies for priority consideration;
- 533 (ii) describe the funds or projects for which the specified municipality qualifies to
534 receive priority consideration; and
- 535 (iii) state the basis for the division's determination that the specified municipality
536 qualifies for priority consideration.
- 537 (e) The division shall notify the legislative body of a specified municipality and the
538 Department of Transportation in writing if the division determines that the specified
539 municipality no longer qualifies for priority consideration under this Subsection (6).
- 540 (7)(a) If the division, after reviewing a specified municipality's report, determines that
541 the report does not comply with this section, the division shall send a notice of

- 542 noncompliance to the legislative body of the specified municipality.
- 543 (b) A specified municipality that receives a notice of noncompliance may:
- 544 (i) cure each deficiency in the report within 90 days after the day on which the notice
- 545 of noncompliance is sent; or
- 546 (ii) request an appeal of the division's determination of noncompliance within 10
- 547 days after the day on which the notice of noncompliance is sent.
- 548 (c) The notice described in Subsection (7)(a) shall:
- 549 (i) describe each deficiency in the report and the actions needed to cure each
- 550 deficiency;
- 551 (ii) state that the specified municipality has an opportunity to:
- 552 (A) submit to the division a corrected report that cures each deficiency in the
- 553 report within 90 days after the day on which the notice of compliance is sent; or
- 554 (B) submit to the division a request for an appeal of the division's determination of
- 555 noncompliance within 10 days after the day on which the notice of
- 556 noncompliance is sent; and
- 557 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the
- 558 specified municipality's ineligibility for funds under Subsection (9).
- 559 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the
- 560 action needed to cure the deficiency as described by the division requires the
- 561 specified municipality to make a legislative change, the specified municipality may
- 562 cure the deficiency by making that legislative change within the 90-day cure period.
- 563 (e)(i) If a specified municipality submits to the division a corrected report in
- 564 accordance with Subsection (7)(b)(i) and the division determines that the
- 565 corrected report does not comply with this section, the division shall send a
- 566 second notice of noncompliance to the legislative body of the specified
- 567 municipality within 30 days after the day on which the corrected report is
- 568 submitted.
- 569 (ii) A specified municipality that receives a second notice of noncompliance may
- 570 submit to the division a request for an appeal of the division's determination of
- 571 noncompliance within 10 days after the day on which the second notice of
- 572 noncompliance is sent.
- 573 (iii) The notice described in Subsection (7)(e)(i) shall:
- 574 (A) state that the specified municipality has an opportunity to submit to the
- 575 division a request for an appeal of the division's determination of

- 576 noncompliance within 10 days after the day on which the second notice of
577 noncompliance is sent; and
- 578 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the
579 specified municipality's ineligibility for funds under Subsection (9).
- 580 (8)(a) A specified municipality that receives a notice of noncompliance under
581 Subsection (7)(a) or (7)(e)(i) may request an appeal of the division's determination of
582 noncompliance within 10 days after the day on which the notice of noncompliance is
583 sent.
- 584 (b) Within 90 days after the day on which the division receives a request for an appeal,
585 an appeal board consisting of the following three members shall review and issue a
586 written decision on the appeal:
- 587 (i) one individual appointed by the Utah League of Cities and Towns;
588 (ii) one individual appointed by the Utah Homebuilders Association; and
589 (iii) one individual appointed by the presiding member of the association of
590 governments, established pursuant to an interlocal agreement under Title 11,
591 Chapter 13, Interlocal Cooperation Act, of which the specified municipality is a
592 member.
- 593 (c) The written decision of the appeal board shall either uphold or reverse the division's
594 determination of noncompliance.
- 595 (d) The appeal board's written decision on the appeal is final.
- 596 (9)(a) A specified municipality is ineligible for funds under this Subsection (9) if:
- 597 (i) the specified municipality fails to submit a report to the division;
598 (ii) after submitting a report to the division, the division determines that the report
599 does not comply with this section and the specified municipality fails to:
600 (A) cure each deficiency in the report within 90 days after the day on which the
601 notice of noncompliance is sent; or
602 (B) request an appeal of the division's determination of noncompliance within 10
603 days after the day on which the notice of noncompliance is sent;
604 (iii) after submitting to the division a corrected report to cure the deficiencies in a
605 previously submitted report, the division determines that the corrected report does
606 not comply with this section and the specified municipality fails to request an
607 appeal of the division's determination of noncompliance within 10 days after the
608 day on which the second notice of noncompliance is sent; or
609 (iv) after submitting a request for an appeal under Subsection (8), the appeal board

- 610 issues a written decision upholding the division's determination of noncompliance.
- 611 (b) The following apply to a specified municipality described in Subsection (9)(a) until
612 the division provides notice under Subsection (9)(e):
- 613 (i) the executive director of the Department of Transportation may not program funds
614 from the Transportation Investment Fund of 2005, including the Transit
615 Transportation Investment Fund, to projects located within the boundaries of the
616 specified municipality in accordance with Subsection 72-2-124(5);
- 617 (ii) beginning with a report submitted in 2024, the specified municipality shall pay a
618 fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that
619 the specified municipality:
- 620 (A) fails to submit the report to the division in accordance with this section,
621 beginning the day after the day on which the report was due; or
- 622 (B) fails to cure the deficiencies in the report, beginning the day after the day by
623 which the cure was required to occur as described in the notice of
624 noncompliance under Subsection (7); and
- 625 (iii) beginning with the report submitted in 2025, the specified municipality shall pay
626 a fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that
627 the specified municipality, in a consecutive year:
- 628 (A) fails to submit the report to the division in accordance with this section,
629 beginning the day after the day on which the report was due; or
- 630 (B) fails to cure the deficiencies in the report, beginning the day after the day by
631 which the cure was required to occur as described in the notice of
632 noncompliance under Subsection (7).
- 633 (c) Upon determining that a specified municipality is ineligible for funds under this
634 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the
635 division shall send a notice of ineligibility to the legislative body of the specified
636 municipality, the Department of Transportation, the State Tax Commission, and the
637 Governor's Office of Planning and Budget.
- 638 (d) The notice described in Subsection (9)(c) shall:
- 639 (i) name the specified municipality that is ineligible for funds;
- 640 (ii) describe the funds for which the specified municipality is ineligible to receive;
- 641 (iii) describe the fee the specified municipality is required to pay under Subsection
642 (9)(b), if applicable; and
- 643 (iv) state the basis for the division's determination that the specified municipality is

644 ineligible for funds.

645 (e) The division shall notify the legislative body of a specified municipality and the
646 Department of Transportation in writing if the division determines that the provisions
647 of this Subsection (9) no longer apply to the specified municipality.

648 (f) The division may not determine that a specified municipality that is required to pay a
649 fee under Subsection (9)(b) is in compliance with the reporting requirements of this
650 section until the specified municipality pays all outstanding fees required under
651 Subsection (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A,
652 Chapter 8, Part 5, Olene Walker Housing Loan Fund.

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

656 Section 4. Section **10-9a-408.1** is enacted to read:

657 **10-9a-408.1 . Affordable housing density.**

658 (1) As used in this section:

659 (a) "Affordable housing density" means, on average, at least:

660 (i) eight residential units per acre; and

661 (ii)(A) four residential units per acre that are offered for sale to an

662 owner-occupier at a moderate income housing price point; or

663 (B) six residential units per acre that are offered for rent at a moderate income

664 housing price point.

665 (b) "Moderate income housing price point" means:

666 (i) for a residential unit that is offered for sale to an owner-occupier, a price

667 affordable to a household with a gross income of no more than 120% of area

668 median income for the county in which the residential unit is offered for sale; and

669 (ii) for a residential unit that is offered for rent, a rental price affordable to a

670 household with a gross income of no more than 80% of area median income for

671 the county in which the residential unit is offered for rent.

672 (2) Beginning January 1, 2027, a specified municipality shall include the following

673 information in the specified municipality's moderate income housing report:

674 (a) whether the specified municipality has implemented a density overlay, as described

675 in Section 10-9a-403.2;

676 (b) the amount of undeveloped land within the specified municipality that could achieve

677 affordable housing density, including:

- 678 (i) information on housing units that are entitled or approved but not yet developed
 679 on the undeveloped land within the specified municipality, if applicable; and
 680 (ii) the barriers, if any, to achieving affordable housing density on the undeveloped
 681 land within the specified municipality;
 682 (c) the percentage of area zoned residential within the specified municipality that has
 683 achieved affordable housing density;
 684 (d) a five-year projection for the percentage of area zoned residential within the
 685 specified municipality that will achieve affordable housing density; and
 686 (e) data to support the conclusions described in Subsections (2)(c) and (d).

687 Section 5. Section **10-9a-535** is amended to read:

688 **10-9a-535 . Moderate income housing.**

- 689 (1) A municipality may only require the development of a certain number of moderate
 690 income housing units as a condition of approval of a land use application if:
 691 (a) the municipality and the applicant enter into a written agreement regarding the
 692 number of moderate income housing units; [ø†]
 693 (b) the municipality provides incentives for an applicant who agrees to include moderate
 694 income housing units in a development[-] ; or
 695 (c) the applicant seeks to develop in a zone subject to a density overlay, as described in
 696 Section 10-9a-403.2.
 697 (2)(a) If an applicant does not agree to participate in the development of moderate
 698 income housing units under Subsection (1)(a) or (b), a municipality may not take into
 699 consideration the applicant's decision in the municipality's determination of whether
 700 to approve or deny a land use application.
 701 (b) If an applicant does not agree to participate in the development of moderate income
 702 housing units under Subsection (1)(c), a municipality may take into consideration the
 703 applicant's decision in the municipality's determination of whether to approve or deny
 704 a land use application.
 705 (3) Notwithstanding Subsections (1) and (2), a municipality that imposes a resort
 706 community sales and use tax as described in Section 59-12-401, may require the
 707 development of a certain number of moderate income housing units as a condition of
 708 approval of a land use application if the requirement is in accordance with an ordinance
 709 enacted by the municipality before January 1, 2022.

710 Section 6. Section **17-27a-403** is amended to read:

711 **17-27a-403 . Plan preparation.**

- 712 (1)(a) The planning commission shall provide notice, as provided in Section 17-27a-203,
712a
713 of the planning commission's intent to make a recommendation to the county
714 legislative body for a general plan or a comprehensive general plan amendment when
715 the planning commission initiates the process of preparing the planning commission's
716 recommendation.
- 717 (b) The planning commission shall make and recommend to the legislative body a
718 proposed general plan for:
- 719 (i) the unincorporated area within the county; or
720 (ii) if the planning commission is a planning commission for a mountainous planning
721 district, the mountainous planning district.
- 722 (c)(i) The plan may include planning for incorporated areas if, in the planning
723 commission's judgment, they are related to the planning of the unincorporated
724 territory or of the county as a whole.
- 725 (ii) Elements of the county plan that address incorporated areas are not an official
726 plan or part of a municipal plan for any municipality, unless the county plan is
727 recommended by the municipal planning commission and adopted by the
728 governing body of the municipality.
- 729 (2)(a) At a minimum, the proposed general plan, with the accompanying maps, charts,
730 and descriptive and explanatory matter, shall include the planning commission's
731 recommendations for the following plan elements:
- 732 (i) a land use element that:
- 733 (A) designates the long-term goals and the proposed extent, general distribution,
734 and location of land for housing for residents of various income levels,
735 business, industry, agriculture, recreation, education, public buildings and
736 grounds, open space, and other categories of public and private uses of land as
737 appropriate;
- 738 (B) includes a statement of the projections for and standards of population density
739 and building intensity recommended for the various land use categories
740 covered by the plan;
- 741 (C) is coordinated to integrate the land use element with the water use and
742 preservation element; and
- 743 (D) accounts for the effect of land use categories and land uses on water demand;
- 744 (ii) a transportation and traffic circulation element that:

- 745 (A) provides the general location and extent of existing and proposed freeways,
746 arterial and collector streets, public transit, active transportation facilities, and
747 other modes of transportation that the planning commission considers
748 appropriate;
- 749 (B) addresses the county's plan for residential and commercial development
750 around major transit investment corridors to maintain and improve the
751 connections between housing, employment, education, recreation, and
752 commerce; and
- 753 (C) correlates with the population projections, the employment projections, and
754 the proposed land use element of the general plan;
- 755 (iii) for a specified county as defined in Section 17-27a-408, a moderate income
756 housing element that:
- 757 (A) provides a realistic opportunity to meet the need for additional moderate
758 income housing within the next five years;
- 759 (B) selects three or more moderate income housing strategies described in
760 Subsection (2)(b)(ii) for implementation; and
- 761 (C) includes an implementation plan as provided in Subsection [(2)(e)] (2)(g);
- 762 (iv) a resource management plan detailing the findings, objectives, and policies
763 required by Subsection 17-27a-401(3); and
- 764 (v) a water use and preservation element that addresses:
- 765 (A) the effect of permitted development or patterns of development on water
766 demand and water infrastructure;
- 767 (B) methods of reducing water demand and per capita consumption for future
768 development;
- 769 (C) methods of reducing water demand and per capita consumption for existing
770 development; and
- 771 (D) opportunities for the county to modify the county's operations to eliminate
772 practices or conditions that waste water.
- 773 (b) In drafting the moderate income housing element, the planning commission:
- 774 (i) shall consider the Legislature's determination that counties should facilitate a
775 reasonable opportunity for a variety of housing, including moderate income
776 housing:
- 777 (A) to meet the needs of people of various income levels living, working, or
778 desiring to live or work in the community; and

- 779 (B) to allow people with various incomes to benefit from and fully participate in
780 all aspects of neighborhood and community life; and
- 781 (ii) shall include an analysis of how the county will provide a realistic opportunity for
782 the development of moderate income housing within the planning horizon,
783 including a recommendation to implement three or more of the following
784 moderate income housing strategies:
- 785 (A) rezone for densities necessary to facilitate the production of moderate income
786 housing, including by implementing a density overlay as described in Section
787 17-27a-403.1;
- 788 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
789 facilitates the construction of moderate income housing;
- 790 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
791 stock into moderate income housing;
- 792 (D) identify and utilize county general fund subsidies or other sources of revenue
793 to waive construction related fees that are otherwise generally imposed by the
794 county for the construction or rehabilitation of moderate income housing;
- 795 (E) create or allow for, and reduce regulations related to, internal or detached
796 accessory dwelling units in residential zones;
- 797 (F) zone or rezone for higher density or moderate income residential development
798 in commercial or mixed-use zones, commercial centers, or employment centers;
- 799 (G) amend land use regulations to allow for higher density or new moderate
800 income residential development in commercial or mixed-use zones near major
801 transit investment corridors;
- 802 (H) amend land use regulations to eliminate or reduce parking requirements for
803 residential development where a resident is less likely to rely on the resident's
804 own vehicle, such as residential development near major transit investment
805 corridors or senior living facilities;
- 806 (I) amend land use regulations to allow for single room occupancy developments;
- 807 (J) implement zoning incentives for moderate income units in new developments;
- 808 (K) preserve existing and new moderate income housing and subsidized units by
809 utilizing a landlord incentive program, providing for deed restricted units
810 through a grant program, or establishing a housing loss mitigation fund;
- 811 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 812 (M) demonstrate creation of, or participation in, a community land trust program

- 813 for moderate income housing;
- 814 (N) implement a mortgage assistance program for employees of the county, an
815 employer that provides contracted services for the county, or any other public
816 employer that operates within the county;
- 817 (O) apply for or partner with an entity that applies for state or federal funds or tax
818 incentives to promote the construction of moderate income housing, an entity
819 that applies for programs offered by the Utah Housing Corporation within that
820 agency's funding capacity, an entity that applies for affordable housing
821 programs administered by the Department of Workforce Services, an entity
822 that applies for services provided by a public housing authority to preserve and
823 create moderate income housing, or any other entity that applies for programs
824 or services that promote the construction or preservation of moderate income
825 housing;
- 826 (P) demonstrate utilization of a moderate income housing set aside from a
827 community reinvestment agency, redevelopment agency, or community
828 development and renewal agency to create or subsidize moderate income
829 housing;
- 830 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter
831 3, Part 6, Housing and Transit Reinvestment Zone Act;
- 832 (R) create a home ownership promotion zone pursuant to Part 12, Home
833 Ownership Promotion Zone for Counties;
- 834 (S) eliminate impact fees for any accessory dwelling unit that is not an internal
835 accessory dwelling unit as defined in Section 10-9a-530;
- 836 (T) create a program to transfer development rights for moderate income housing;
- 837 (U) ratify a joint acquisition agreement with another local political subdivision for
838 the purpose of combining resources to acquire property for moderate income
839 housing;
- 840 (V) develop a moderate income housing project for residents who are disabled or
841 55 years old or older;
- 842 (W) create or allow for, and reduce regulations related to, multifamily residential
843 dwellings compatible in scale and form with detached single-family residential
844 dwellings and located in walkable communities within residential or mixed-use
845 zones; and
- 846 (X) demonstrate implementation of any other program or strategy to address the

847 housing needs of residents of the county who earn less than 80% of the area
848 median income, including the dedication of a local funding source to moderate
849 income housing or the adoption of a land use ordinance that requires 10% or
850 more of new residential development in a residential zone be dedicated to
851 moderate income housing.

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

857 (d) The planning commission shall identify each moderate income housing strategy
858 recommended to the legislative body for implementation by restating the exact
859 language used to describe the strategy in Subsection (2)(b)(ii).

860 (e) In drafting the land use element, the planning commission shall:

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

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

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

867 (f) In drafting the transportation and traffic circulation element, the planning
868 commission shall:

869 (i)(A) consider and coordinate with the regional transportation plan developed by
870 the county's region's metropolitan planning organization, if the relevant areas
871 of the county are within the boundaries of a metropolitan planning
872 organization; or

873 (B) consider and coordinate with the long-range transportation plan developed by
874 the Department of Transportation, if the relevant areas of the county are not
875 within the boundaries of a metropolitan planning organization; and

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

878 (g)(i) In drafting the implementation plan portion of the moderate income housing
879 element as described in Subsection (2)(a)(iii)(C), the planning commission shall
880 recommend to the legislative body the establishment of a five-year timeline for

- 881 implementing each of the moderate income housing strategies selected by the
882 county for implementation.
- 883 (ii) The timeline described in Subsection (2)(g)(i) shall:
- 884 (A) identify specific measures and benchmarks for implementing each moderate
885 income housing strategy selected by the county; and
- 886 (B) provide flexibility for the county to make adjustments as needed.
- 887 (h) In drafting the water use and preservation element, the planning commission:
- 888 (i) shall consider applicable regional water conservation goals recommended by the
889 Division of Water Resources;
- 890 (ii) shall consult with the Division of Water Resources for information and technical
891 resources regarding regional water conservation goals, including how
892 implementation of the land use element and water use and preservation element
893 may affect the Great Salt Lake;
- 894 (iii) shall notify the community water systems serving drinking water within the
895 unincorporated portion of the county and request feedback from the community
896 water systems about how implementation of the land use element and water use
897 and preservation element may affect:
- 898 (A) water supply planning, including drinking water source and storage capacity
899 consistent with Section 19-4-114; and
- 900 (B) water distribution planning, including master plans, infrastructure asset
901 management programs and plans, infrastructure replacement plans, and impact
902 fee facilities plans;
- 903 (iv) shall consider the potential opportunities and benefits of planning for
904 regionalization of public water systems;
- 905 (v) shall consult with the Department of Agriculture and Food for information and
906 technical resources regarding the potential benefits of agriculture conservation
907 easements and potential implementation of agriculture water optimization projects
908 that would support regional water conservation goals;
- 909 (vi) shall notify an irrigation or canal company located in the county so that the
910 irrigation or canal company can be involved in the protection and integrity of the
911 irrigation or canal company's delivery systems;
- 912 (vii) shall include a recommendation for:
- 913 (A) water conservation policies to be determined by the county; and
914 (B) landscaping options within a public street for current and future development

- 915 that do not require the use of lawn or turf in a parkstrip;
- 916 (viii) shall review the county's land use ordinances and include a recommendation for
917 changes to an ordinance that promotes the inefficient use of water;
- 918 (ix) shall consider principles of sustainable landscaping, including the:
- 919 (A) reduction or limitation of the use of lawn or turf;
- 920 (B) promotion of site-specific landscape design that decreases stormwater runoff
921 or runoff of water used for irrigation;
- 922 (C) preservation and use of healthy trees that have a reasonable water requirement
923 or are resistant to dry soil conditions;
- 924 (D) elimination or regulation of ponds, pools, and other features that promote
925 unnecessary water evaporation;
- 926 (E) reduction of yard waste; and
- 927 (F) use of an irrigation system, including drip irrigation, best adapted to provide
928 the optimal amount of water to the plants being irrigated;
- 929 (x) may include recommendations for additional water demand reduction strategies,
930 including:
- 931 (A) creating a water budget associated with a particular type of development;
- 932 (B) adopting new or modified lot size, configuration, and landscaping standards
933 that will reduce water demand for new single family development;
- 934 (C) providing one or more water reduction incentives for existing landscapes and
935 irrigation systems and installation of water fixtures or systems that minimize
936 water demand;
- 937 (D) discouraging incentives for economic development activities that do not
938 adequately account for water use or do not include strategies for reducing
939 water demand; and
- 940 (E) adopting water concurrency standards requiring that adequate water supplies
941 and facilities are or will be in place for new development; and
- 942 (xi) shall include a recommendation for low water use landscaping standards for a
943 new:
- 944 (A) commercial, industrial, or institutional development;
- 945 (B) common interest community, as defined in Section 57-25-102; or
- 946 (C) multifamily housing project.
- 947 (3) The proposed general plan may include:
- 948 (a) an environmental element that addresses:

- 949 (i) to the extent not covered by the county's resource management plan, the
950 protection, conservation, development, and use of natural resources, including the
951 quality of:
- 952 (A) air;
 - 953 (B) forests;
 - 954 (C) soils;
 - 955 (D) rivers;
 - 956 (E) groundwater and other waters;
 - 957 (F) harbors;
 - 958 (G) fisheries;
 - 959 (H) wildlife;
 - 960 (I) minerals; and
 - 961 (J) other natural resources; and
- 962 (ii)(A) the reclamation of land, flood control, prevention and control of the
963 pollution of streams and other waters;
- 964 (B) the regulation of the use of land on hillsides, stream channels and other
965 environmentally sensitive areas;
 - 966 (C) the prevention, control, and correction of the erosion of soils;
 - 967 (D) the preservation and enhancement of watersheds and wetlands; and
 - 968 (E) the mapping of known geologic hazards;
- 969 (b) a public services and facilities element showing general plans for sewage, water,
970 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for
971 them, police and fire protection, and other public services;
- 972 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
973 programs for:
- 974 (i) historic preservation;
 - 975 (ii) the diminution or elimination of a development impediment as defined in Section
976 17C-1-102; and
 - 977 (iii) redevelopment of land, including housing sites, business and industrial sites, and
978 public building sites;
- 979 (d) an economic element composed of appropriate studies and forecasts, as well as an
980 economic development plan, which may include review of existing and projected
981 county revenue and expenditures, revenue sources, identification of basic and
982 secondary industry, primary and secondary market areas, employment, and retail

- 983 sales activity;
- 984 (e) recommendations for implementing all or any portion of the general plan, including
- 985 the adoption of land and water use ordinances, capital improvement plans,
- 986 community development and promotion, and any other appropriate action;
- 987 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
- 988 (3)(a)(i); and
- 989 (g) any other element the county considers appropriate.

990 Section 7. Section **17-27a-403.1** is enacted to read:

991 **17-27a-403.1 . Residential density overlay.**

992 (1) As used in this section:

993 (a) "Density overlay" means zoning regulations applied by a county to an

994 unincorporated area within the county zoned for residential use that allows:

995 (i) the development of:

996 (A) single family dwellings on small lots;

997 (B) diverse housing options; or

998 (C) a combination of single family dwellings on small lots and diverse housing

999 options; and

1000 (ii) a minimum of eight housing units per acre.

1001 (b) "Diverse housing options" means one or more of the following types of residential

1002 units:

1003 (i) side-by-side duplex;

1004 (ii) stacked duplex;

1005 (iii) stacked triplex;

1006 (iv) stacked four-plex;

1007 (v) courtyard building;

1008 (vi) cottage court;

1009 (vii) town home; or

1010 (viii) live-work mixed use building, in which one or more residential housing units

1011 are available above a commercial property.

1012 (c) "Housing-eligible zone" means an unincorporated area of a county zoned in a way

1013 that allows for the development of a residential unit, including residential zones and

1014 mixed-use zones.

1015 (d) "Small lot" means a residential lot that is 5,400 square feet or smaller.

1016 (e)(i) "Undeveloped" means land that has no buildings on it.

- 1017 (ii) "Undeveloped" may include land that has been improved by infrastructure or
 1018 utilities if:
 1019 (A) the county paid for the full cost of the improvement; or
 1020 (B) the owner of the land enters into an agreement with the county to designate
 1021 the land as undeveloped.
- 1022 (2) A county may implement a density overlay allowing for increased development within
 1023 unincorporated housing-eligible zones of the county.
- 1024 (3) If a legislative body adopts a density overlay in a housing-eligible zone that is
 1025 undeveloped at the time the legislative body adopts the density overlay, the county may
 1026 adopt additional requirements to ensure:
- 1027 (a) that some or all of the residential units offered for sale in the area subject to the
 1028 density overlay be deed-restricted for up to five years to ensure owner-occupancy; or
 1029 (b) that some or all of the residential units in the density overlay be:
- 1030 (i) offered for sale to an owner-occupier at a purchase price affordable to a household
 1031 with a gross income of no more than 120% of area median income for the county
 1032 in which the residential unit is offered for sale; or
- 1033 (ii) offered for rent at a rental price affordable to a household with a gross income of
 1034 no more than 80% of area median income for the county in which the residential
 1035 unit is offered for rent.

1036 Section 8. Section **17-27a-408** is amended to read:

1037 **17-27a-408 . Moderate income housing report -- Contents -- Prioritization for**
 1038 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

- 1039 (1) As used in this section:
- 1040 (a) "Division" means the Housing and Community Development Division within the
 1041 Department of Workforce Services.
- 1042 (b) "Implementation plan" means the implementation plan adopted as part of the
 1043 moderate income housing element of a specified county's general plan as provided in
 1044 Subsection 17-27a-403(2)(g).
- 1045 (c) "Initial report" means the one-time moderate income housing report described in
 1046 Subsection (2).
- 1047 (d) "Moderate income housing strategy" means a strategy described in Subsection
 1048 17-27a-403(2)(b)(ii).
- 1049 (e) "Report" means an initial report or a subsequent report.
- 1050 (f) "Specified county" means a county of the first, second, or third class, which has a

- 1051 population of more than 5,000 in the county's unincorporated areas.
- 1052 (g) "Subsequent progress report" means the annual moderate income housing report
1053 described in Subsection (3).
- 1054 (2)(a) The legislative body of a specified county shall annually submit an initial report
1055 to the division.
- 1056 (b)(i) This Subsection (2)(b) applies to a county that is not a specified county as of
1057 January 1, 2023.
- 1058 (ii) As of January 1, if a county described in Subsection (2)(b)(i) changes from one
1059 class to another or grows in population to qualify as a specified county, the county
1060 shall submit an initial plan to the division on or before August 1 of the first
1061 calendar year beginning on January 1 in which the county qualifies as a specified
1062 county.
- 1063 (c) The initial report shall:
- 1064 (i) identify each moderate income housing strategy selected by the specified county
1065 for continued, ongoing, or one-time implementation, using the exact language
1066 used to describe the moderate income housing strategy in Subsection 17-27a-403
1067 (2)(b)(ii); and
- 1068 (ii) include an implementation plan.
- 1069 (3)(a) After the division approves a specified county's initial report under this section,
1070 the specified county shall, as an administrative act, annually submit to the division a
1071 subsequent progress report on or before August 1 of each year after the year in which
1072 the specified county is required to submit the initial report.
- 1073 (b) The subsequent progress report shall include:
- 1074 (i) subject to Subsection (3)(c), a description of each action, whether one-time or
1075 ongoing, taken by the specified county during the previous 12-month period to
1076 implement the moderate income housing strategies identified in the initial report
1077 for implementation;
- 1078 (ii) a description of each land use regulation or land use decision made by the
1079 specified county during the previous 12-month period to implement the moderate
1080 income housing strategies, including an explanation of how the land use
1081 regulation or land use decision supports the specified county's efforts to
1082 implement the moderate income housing strategies;
- 1083 (iii) a description of any barriers encountered by the specified county in the previous
1084 12-month period in implementing the moderate income housing strategies;

- 1085 (iv) the number of residential dwelling units that have been entitled that have not
 1086 received a building permit as of the submission date of the progress report;
- 1087 (v) shapefiles, or website links if shapefiles are not available, to current maps and
 1088 tables related to zoning;
- 1089 (vi) information regarding the number of internal and external or detached accessory
 1090 dwelling units located within the specified county for which the specified county:
 1091 (A) issued a building permit to construct; or
 1092 (B) issued a business license or comparable license or permit to rent;
- 1093 (vii) a description of how the market has responded to the selected moderate income
 1094 housing strategies, including the number of entitled moderate income housing
 1095 units or other relevant data;
- 1096 (viii) beginning January 1, 2026, five-year projections for housing demand in the
 1097 specified county;
- 1098 (ix) beginning January 1, 2027, the information described in Section 17-27a-408.1;
 1099 and
- 1100 [~~viii~~] (x) any recommendations on how the state can support the specified county in
 1101 implementing the moderate income housing strategies.
- 1102 (c) For purposes of describing actions taken by a specified county under Subsection
 1103 (3)(b)(i), the specified county may include an ongoing action taken by the specified
 1104 county prior to the 12-month reporting period applicable to the subsequent progress
 1105 report if the specified county:
- 1106 (i) has already adopted an ordinance, approved a land use application, made an
 1107 investment, or approved an agreement or financing that substantially promotes the
 1108 implementation of a moderate income housing strategy identified in the initial
 1109 report; and
- 1110 (ii) demonstrates in the subsequent progress report that the action taken under
 1111 Subsection (3)(c)(i) is relevant to making meaningful progress towards the
 1112 specified county's implementation plan.
- 1113 (d) A specified county's report shall be in a form:
- 1114 (i) approved by the division; and
- 1115 (ii) made available by the division on or before May 1 of the year in which the report
 1116 is required.
- 1117 (4) Within 90 days after the day on which the division receives a specified county's report,
 1118 the division shall:

- 1119 (a) post the report on the division's website;
- 1120 (b) send a copy of the report to the Department of Transportation, the Governor's Office
1121 of Planning and Budget, the association of governments in which the specified
1122 county is located, and, if the unincorporated area of the specified county is located
1123 within the boundaries of a metropolitan planning organization, the appropriate
1124 metropolitan planning organization; and
- 1125 (c) subject to Subsection (5), review the report to determine compliance with this section.
- 1126 (5)(a) An initial report does not comply with this section unless the report:
- 1127 (i) includes the information required under Subsection (2)(c);
- 1128 (ii) subject to Subsection (5)(c), demonstrates to the division that the specified county
1129 made plans to implement three or more moderate income housing strategies; and
1130 (iii) is in a form approved by the division.
- 1131 (b) A subsequent progress report does not comply with this section unless the report:
- 1132 (i) subject to Subsection (5)(c), demonstrates to the division that the specified county
1133 made plans to implement three or more moderate income housing strategies;
- 1134 (ii) is in a form approved by the division; and
- 1135 (iii) provides sufficient information for the division to:
- 1136 (A) assess the specified county's progress in implementing the moderate income
1137 housing strategies;
- 1138 (B) monitor compliance with the specified county's implementation plan;
- 1139 (C) identify a clear correlation between the specified county's land use decisions
1140 and efforts to implement the moderate income housing strategies;
- 1141 (D) identify how the market has responded to the specified county's selected
1142 moderate income housing strategies; and
- 1143 (E) identify any barriers encountered by the specified county in implementing the
1144 selected moderate income housing strategies.
- 1145 (c)(i) This Subsection (5)(c) applies to a specified county that has created a small
1146 public transit district, as defined in Section 17B-2a-802, on or before January 1,
1147 2022.
- 1148 (ii) In addition to the requirements of Subsections (5)(a) and (b), a report for a
1149 specified county described in Subsection (5)(c)(i) does not comply with this
1150 section unless the report demonstrates to the division that the specified county:
- 1151 (A) made plans to implement the moderate income housing strategy described in
1152 Subsection 17-27a-403(2)(b)(ii)(Q); and

- 1153 (B) is in compliance with Subsection 63N-3-603(8).
- 1154 (6)(a) A specified county qualifies for priority consideration under this Subsection (6) if
1155 the specified county's report:
- 1156 (i) complies with this section; and
 - 1157 (ii) demonstrates to the division that the specified county made plans to implement
1158 five or more moderate income housing strategies.
- 1159 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c),
1160 give priority consideration to transportation projects located within the
1161 unincorporated areas of a specified county described in Subsection (6)(a) until the
1162 Department of Transportation receives notice from the division under Subsection
1163 (6)(e).
- 1164 (c) Upon determining that a specified county qualifies for priority consideration under
1165 this Subsection (6), the division shall send a notice of prioritization to the legislative
1166 body of the specified county and the Department of Transportation.
- 1167 (d) The notice described in Subsection (6)(c) shall:
- 1168 (i) name the specified county that qualifies for priority consideration;
 - 1169 (ii) describe the funds or projects for which the specified county qualifies to receive
1170 priority consideration; and
 - 1171 (iii) state the basis for the division's determination that the specified county qualifies
1172 for priority consideration.
- 1173 (e) The division shall notify the legislative body of a specified county and the
1174 Department of Transportation in writing if the division determines that the specified
1175 county no longer qualifies for priority consideration under this Subsection (6).
- 1176 (7)(a) If the division, after reviewing a specified county's report, determines that the
1177 report does not comply with this section, the division shall send a notice of
1178 noncompliance to the legislative body of the specified county.
- 1179 (b) A specified county that receives a notice of noncompliance may:
- 1180 (i) cure each deficiency in the report within 90 days after the day on which the notice
1181 of noncompliance is sent; or
 - 1182 (ii) request an appeal of the division's determination of noncompliance within 10
1183 days after the day on which the notice of noncompliance is sent.
- 1184 (c) The notice described in Subsection (7)(a) shall:
- 1185 (i) describe each deficiency in the report and the actions needed to cure each
1186 deficiency;

- 1187 (ii) state that the specified county has an opportunity to:
- 1188 (A) submit to the division a corrected report that cures each deficiency in the
- 1189 report within 90 days after the day on which the notice of noncompliance is
- 1190 sent; or
- 1191 (B) submit to the division a request for an appeal of the division's determination of
- 1192 noncompliance within 10 days after the day on which the notice of
- 1193 noncompliance is sent; and
- 1194 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the
- 1195 specified county's ineligibility for funds and fees owed under Subsection (9).
- 1196 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the
- 1197 action needed to cure the deficiency as described by the division requires the
- 1198 specified county to make a legislative change, the specified county may cure the
- 1199 deficiency by making that legislative change within the 90-day cure period.
- 1200 (e)(i) If a specified county submits to the division a corrected report in accordance
- 1201 with Subsection (7)(b)(i), and the division determines that the corrected report
- 1202 does not comply with this section, the division shall send a second notice of
- 1203 noncompliance to the legislative body of the specified county.
- 1204 (ii) A specified county that receives a second notice of noncompliance may request
- 1205 an appeal of the division's determination of noncompliance within 10 days after
- 1206 the day on which the second notice of noncompliance is sent.
- 1207 (iii) The notice described in Subsection (7)(e)(i) shall:
- 1208 (A) state that the specified county has an opportunity to submit to the division a
- 1209 request for an appeal of the division's determination of noncompliance within
- 1210 10 days after the day on which the second notice of noncompliance is sent; and
- 1211 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the
- 1212 specified county's ineligibility for funds under Subsection (9).
- 1213 (8)(a) A specified county that receives a notice of noncompliance under Subsection
- 1214 (7)(a) or (7)(e)(i) may request an appeal of the division's determination of
- 1215 noncompliance within 10 days after the day on which the notice of noncompliance is
- 1216 sent.
- 1217 (b) Within 90 days after the day on which the division receives a request for an appeal,
- 1218 an appeal board consisting of the following three members shall review and issue a
- 1219 written decision on the appeal:
- 1220 (i) one individual appointed by the Utah Association of Counties;

- 1221 (ii) one individual appointed by the Utah Homebuilders Association; and
 1222 (iii) one individual appointed by the presiding member of the association of
 1223 governments, established pursuant to an interlocal agreement under Title 11,
 1224 Chapter 13, Interlocal Cooperation Act, of which the specified county is a member.
- 1225 (c) The written decision of the appeal board shall either uphold or reverse the division's
 1226 determination of noncompliance.
- 1227 (d) The appeal board's written decision on the appeal is final.
- 1228 (9)(a) A specified county is ineligible for funds and owes a fee under this Subsection (9)
 1229 if:
- 1230 (i) the specified county fails to submit a report to the division;
 1231 (ii) after submitting a report to the division, the division determines that the report
 1232 does not comply with this section and the specified county fails to:
 1233 (A) cure each deficiency in the report within 90 days after the day on which the
 1234 notice of noncompliance is sent; or
 1235 (B) request an appeal of the division's determination of noncompliance within 10
 1236 days after the day on which the notice of noncompliance is sent;
 1237 (iii) after submitting to the division a corrected report to cure the deficiencies in a
 1238 previously submitted report, the division determines that the corrected report does
 1239 not comply with this section and the specified county fails to request an appeal of
 1240 the division's determination of noncompliance within 10 days after the day on
 1241 which the second notice of noncompliance is sent; or
 1242 (iv) after submitting a request for an appeal under Subsection (8), the appeal board
 1243 issues a written decision upholding the division's determination of noncompliance.
- 1244 (b) The following apply to a specified county described in Subsection (9)(a) until the
 1245 division provides notice under Subsection (9)(e):
- 1246 (i) the executive director of the Department of Transportation may not program funds
 1247 from the Transportation Investment Fund of 2005, including the Transit
 1248 Transportation Investment Fund, to projects located within the unincorporated
 1249 areas of the specified county in accordance with Subsection 72-2-124(6);
 1250 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee
 1251 to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the
 1252 specified county:
 1253 (A) fails to submit the report to the division in accordance with this section,
 1254 beginning the day after the day on which the report was due; or

- 1255 (B) fails to cure the deficiencies in the report, beginning the day after the day by
1256 which the cure was required to occur as described in the notice of
1257 noncompliance under Subsection (7); and
- 1258 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee
1259 to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the
1260 specified county, for a consecutive year:
- 1261 (A) fails to submit the report to the division in accordance with this section,
1262 beginning the day after the day on which the report was due; or
- 1263 (B) fails to cure the deficiencies in the report, beginning the day after the day by
1264 which the cure was required to occur as described in the notice of
1265 noncompliance under Subsection (7).
- 1266 (c) Upon determining that a specified county is ineligible for funds under this
1267 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the
1268 division shall send a notice of ineligibility to the legislative body of the specified
1269 county, the Department of Transportation, the State Tax Commission, and the
1270 Governor's Office of Planning and Budget.
- 1271 (d) The notice described in Subsection (9)(c) shall:
- 1272 (i) name the specified county that is ineligible for funds;
- 1273 (ii) describe the funds for which the specified county is ineligible to receive;
- 1274 (iii) describe the fee the specified county is required to pay under Subsection (9)(b),
1275 if applicable; and
- 1276 (iv) state the basis for the division's determination that the specified county is
1277 ineligible for funds.
- 1278 (e) The division shall notify the legislative body of a specified county and the
1279 Department of Transportation in writing if the division determines that the provisions
1280 of this Subsection (9) no longer apply to the specified county.
- 1281 (f) The division may not determine that a specified county that is required to pay a fee
1282 under Subsection (9)(b) is in compliance with the reporting requirements of this
1283 section until the specified county pays all outstanding fees required under Subsection
1284 (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8,
1285 Part 5, Olene Walker Housing Loan Fund.
- 1286 (10) In a civil action seeking enforcement or claiming a violation of this section or of
1287 Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded
1288 only injunctive or other equitable relief.

1289 Section 9. Section **17-27a-408.1** is enacted to read:

1290 **17-27a-408.1 . Affordable housing density.**

1291 (1) As used in this section:

1292 (a) "Affordable housing density" means the same as that term is defined in Section
1293 10-9a-408.1.

1294 (b) "Moderate income housing price point" means the same as that term is defined in
1295 Section 10-9a-408.1.

1296 (2) Beginning January 1, 2027, a specified county shall include the following information
1297 in the specified county's moderate income housing report:

1298 (a) whether the specified county has implemented a density overlay, as described in
1299 Section 17-27a-403.1;

1300 (b) the amount of unincorporated, undeveloped land within the specified county that
1301 could achieve affordable housing density, including:

1302 (i) information on housing units that are entitled or approved but not yet developed
1303 on the undeveloped land within the specified county, if applicable; and

1304 (ii) the barriers, if any, to achieving affordable housing density on the undeveloped
1305 land within the specified county;

1306 (c) the percentage of unincorporated area zoned residential within the specified county
1307 that has achieved affordable housing density;

1308 (d) a five-year projection for the percentage of unincorporated area zoned residential
1309 within the specified county that will achieve affordable housing density; and

1310 (e) data to support the conclusions described in Subsections (2)(c) and (d).

1311 Section 10. Section **17-27a-531** is amended to read:

1312 **17-27a-531 . Moderate income housing.**

1313 (1) A county may only require the development of a certain number of moderate income
1314 housing units as a condition of approval of a land use application if:

1315 (a) the county and the applicant enter into a written agreement regarding the number of
1316 moderate income housing units; [ø]

1317 (b) the county provides incentives for an applicant who agrees to include moderate
1318 income housing units in a development[-] ; or

1319 (c) the applicant seeks to develop in an unincorporated zone subject to a density overlay,
1320 as described in Section 17-27a-403.1.

1321 (2)(a) If an applicant does not agree to participate in the development of moderate
1322 income housing units under Subsection (1)(a) or (b), a county may not take into

1323 consideration the applicant's decision in the county's determination of whether to
 1324 approve or deny a land use application.
 1325 (b) If an applicant does not agree to participate in the development of moderate income
 1326 housing units under Subsection (1)(c), a county may take into consideration the
 1327 applicant's decision in the county's determination of whether to approve or deny a
 1328 land use application.

1329 (3) Notwithstanding Subsections (1) and (2), a county of the third class, which has a ski
 1330 resort located within the unincorporated area of the county, may require the
 1331 development of a certain number of moderate income housing units as a condition of
 1332 approval of a land use application if the requirement is in accordance with an ordinance
 1333 enacted by the county before January 1, 2022.

1334 Section 11. Section **35A-8-202** is amended to read:

1335 **35A-8-202 . Powers and duties of division.**

1336 (1) The division shall:

- 1337 (a) assist local governments and citizens in the planning, development, and maintenance
 1338 of necessary public infrastructure and services;
- 1339 (b) cooperate with, and provide technical assistance to, counties, cities, towns, regional
 1340 planning commissions, area-wide clearinghouses, zoning commissions, parks or
 1341 recreation boards, community development groups, community action agencies, and
 1342 other agencies created for the purpose of aiding and encouraging an orderly,
 1343 productive, and coordinated development of the state and its political subdivisions;
- 1344 (c) assist the governor in coordinating the activities of state agencies which have an
 1345 impact on the solution of community development problems and the implementation
 1346 of community plans;
- 1347 (d) serve as a clearinghouse for information, data, and other materials which may be
 1348 helpful to local governments in discharging their responsibilities and provide
 1349 information on available federal and state financial and technical assistance;
- 1350 (e) carry out continuing studies and analyses of the problems faced by communities
 1351 within the state and develop such recommendations for administrative or legislative
 1352 action as appear necessary;
- 1353 (f) assist in funding affordable housing;
- 1354 (g) support economic development activities through grants, loans, and direct programs
 1355 financial assistance;
- 1356 (h) certify project funding at the local level in conformance with federal, state, and other

- 1357 requirements;
- 1358 (i) utilize the capabilities and facilities of public and private universities and colleges
- 1359 within the state in carrying out its functions; [~~and~~]
- 1360 (j) assist and support local governments, community action agencies, and citizens in the
- 1361 planning, development, and maintenance of home weatherization, energy efficiency,
- 1362 and antipoverty activities[-] ;
- 1363 (k) no later than August 31, 2025, analyze all moderate income housing reports received
- 1364 by the division before January 1, 2025, and:
- 1365 (i) determine which, if any, of the moderate income strategies described in
- 1366 Subsections 10-9a-403(2)(b)(iii) and 17-27a-403(2)(b)(ii) are correlated with an
- 1367 increase in the supply of moderate income housing, either built or entitled to be
- 1368 built, in the political subdivision that implements the moderate income strategy;
- 1369 (ii) draw conclusions regarding any data trends identified by the division as
- 1370 meaningful or significant; and
- 1371 (iii) report to the Political Subdivisions Interim Committee the results of the analysis;
- 1372 and
- 1373 (l) beginning January 1, 2026:
- 1374 (i) update the analysis described in Subsections (1)(k)(i) and (ii) on an annual basis;
- 1375 and
- 1376 (ii) provide a written report on the updated analysis to the Political Subdivisions
- 1377 Interim Committee by August 31 each year.
- 1378 (2) The division may:
- 1379 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
- 1380 Procedures Act, seek federal grants, loans, or participation in federal programs;
- 1381 (b) if any federal program requires the expenditure of state funds as a condition to
- 1382 participation by the state in any fund, property, or service, with the governor's
- 1383 approval, expend whatever funds are necessary out of the money provided by the
- 1384 Legislature for the use of the department;
- 1385 (c) in accordance with Part 9, Domestic Violence Shelters, assist in developing,
- 1386 constructing, and improving shelters for victims of domestic violence, as described in
- 1387 Section 77-36-1, through loans and grants to nonprofit and governmental entities; [~~and~~]
- 1388 [~~and~~]
- 1389 (d) assist, when requested by a county or municipality, in the development of accessible
- 1390 housing[-] ; and

- 1391 (e) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
 1392 Rulemaking Act, regarding the form and content of a moderate income housing
 1393 report, as described in Sections 10-9a-408 and 17-27a-408, to:
 1394 (i) ensure consistency across reporting political subdivisions; and
 1395 (ii) promote better analysis of report data.
- 1396 Section 12. Section **35A-8-2203** is amended to read:
 1397 **35A-8-2203 . Duties of the commission.**
- 1398 (1) The commission shall:
- 1399 (a) serve as a subcommittee of the Unified Economic Opportunity Commission and
 1400 assist the Unified Economic Opportunity Commission in performing the Unified
 1401 Economic Opportunity Commission's duties under Section 63N-1a-202;
- 1402 (b) increase public and government awareness and understanding of the housing
 1403 affordability needs of the state and how those needs may be most effectively and
 1404 efficiently met, through empirical study and investigation;
- 1405 (c) identify and recommend implementation of specific strategies, policies, procedures,
 1406 and programs to address the housing affordability needs of the state;
- 1407 (d) facilitate the communication and coordination of public and private entities that are
 1408 involved in developing, financing, providing, advocating for, and administering
 1409 affordable housing in the state;
- 1410 (e) study, evaluate, and report on the status and effectiveness of policies, procedures,
 1411 and programs that address housing affordability in the state;
- 1412 (f) study and evaluate the policies, procedures, and programs implemented by other
 1413 states that address housing affordability;
- 1414 (g) provide a forum for public comment on issues related to housing affordability;
- 1415 (h) provide recommendations to the Unified Economic Opportunity Commission and the
 1416 Legislature on strategies, policies, procedures, and programs to address the housing
 1417 affordability needs of the state; and
- 1418 (i) develop recommendations for a series of regional strategic plans for housing, as
 1419 described in Subsection (4).
- 1420 [~~(i) on or before December 31, 2022, approve the methodology developed by the~~
 1421 ~~division under Subsection 35A-8-803(1)(a)(ix).]~~
- 1422 (2) To accomplish its duties, the commission may:
- 1423 (a) request and receive from a state or local government agency or institution summary
 1424 information relating to housing affordability, including:

- 1425 (i) reports;
- 1426 (ii) audits;
- 1427 (iii) projections; and
- 1428 (iv) statistics; and
- 1429 (b) appoint one or more advisory groups to advise and assist the commission.
- 1430 (3)(a) A member of an advisory group described in Subsection (2)(b):
- 1431 (i) shall be appointed by the commission;
- 1432 (ii) may be:
- 1433 (A) a member of the commission; or
- 1434 (B) an individual from the private or public sector; and
- 1435 (iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for
- 1436 any work done in relation to the advisory group.
- 1437 (b) An advisory group described in Subsection (2)(b) shall report to the commission on
- 1438 the progress of the advisory group.
- 1439 (4)(a) A recommended regional strategic plan for housing shall:
- 1440 (i) address housing generally and affordable housing specifically;
- 1441 (ii) define success in housing policy for the region;
- 1442 (iii) include metrics to measure progress;
- 1443 (iv) include metrics that may be used to determine when success in housing policy
- 1444 has been achieved in a region, including the minimum percentage of residential
- 1445 area within a political subdivision meeting the definition of affordable housing
- 1446 density in Section 10-9a-408.1 that could excuse the political subdivision from
- 1447 further required action;
- 1448 (v) include goals that address housing shortages and projected population growth in
- 1449 the region;
- 1450 (vi) identify potential tools to promote desired government action at the local level
- 1451 within the region;
- 1452 (vii) identify potential incentives to encourage desired private sector action within the
- 1453 region; and
- 1454 (viii) take into consideration the unique needs, challenges, and attributes of the region.
- 1455 (b) In creating a series of recommended regional strategic plans, the commission:
- 1456 (i) may divide the state into as many regions as necessary to fulfill the obligations
- 1457 described in Subsection (4)(a); and
- 1458 (ii) shall ensure that each area of the state is included in a recommended region.

1459 Section 13. Section **35A-8-2204** is amended to read:

1460 **35A-8-2204 . Annual reports.**

1461 (1) The commission shall annually prepare a report for inclusion in the department's annual
1462 written report described in Section 35A-1-109.

1463 (2) The report described in Subsection (1) shall:

1464 (a) describe how the commission fulfilled its statutory duties during the year;

1465 (b) provide recommendations on how the state should act to address issues relating to
1466 housing affordability;

1467 (c) in consultation with affected political subdivisions, provide recommendations on
1468 how the state and other stakeholders should act to address the loss of moderate
1469 income housing units in the state, including the moderate income housing units
1470 permanently vacated or destroyed as identified in the report from the Department of
1471 Transportation described in Section 72-1-215; and

1472 (d) in consultation with affected political subdivisions, provide recommendations on
1473 how the state and other stakeholders can support and encourage the new construction
1474 or rehabilitation of replacement units.

1475 (3)(a) The commission shall annually prepare a written report to the Political
1476 Subdivisions Interim Committee, no later than August 31 of each year, on the
1477 commission's progress in developing recommended regional strategic plans for
1478 housing as described in Section 35A-8-2203.

1479 (b) The report due to the Political Subdivisions Interim Committee by August 31, 2025,
1480 shall include:

1481 (i) the commission's recommendation for the division of the state into regions;

1482 (ii) at least one recommended regional strategic plan for housing; and

1483 (iii) any recommendations for potential statutory changes necessary to implement a
1484 recommended regional strategic plan.

1485 Section 14. **Effective Date.**

1486 This bill takes effect on May 7, 2025.