

James A. Dunnigan proposes the following substitute bill:

Utah Housing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill deals with housing development and housing policy.

Highlighted Provisions:

This bill:

- defines terms;
- modifies the minimum population for incorporation of a new town;
- authorizes a municipality or county to authorize additional housing density in exchange for certain requirements;
- authorizes a municipality or county to offer incentives in an area approved for single-family or multi-family residential units to promote owner-occupied, affordable housing;
- modifies requirements for a moderate income housing plan and a moderate income housing report;
- authorizes a special district to provide the operation of a propane system within its boundaries;
- authorizes the Division of Housing and Community Development to make rules regarding the content and form of a moderate income housing report;
- requires the Governor's Office of Planning and Budget (GOPB) to develop a state housing plan by December 31, 2025;
- requires GOPB to submit an annual written report on the implementation of the state housing plan to the Political Subdivisions Interim Committee; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **10-2a-201.5**, as last amended by Laws of Utah 2024, Chapters 342, 518 and 534

33 **10-9a-102**, as last amended by Laws of Utah 2019, Chapter 384

34 **10-9a-403**, as last amended by Laws of Utah 2024, Chapters 431, 537

35 **10-9a-408**, as last amended by Laws of Utah 2024, Chapters 413, 438

36 **10-9a-535**, as enacted by Laws of Utah 2022, Chapter 355

37 **17-27a-102**, as last amended by Laws of Utah 2022, Chapter 307

38 **17-27a-403**, as last amended by Laws of Utah 2024, Chapters 381, 431

39 **17-27a-408**, as last amended by Laws of Utah 2024, Chapters 381, 413

40 **17-27a-531**, as enacted by Laws of Utah 2022, Chapter 355

41 **17B-1-202**, as last amended by Laws of Utah 2024, Chapters 53, 388

42 **35A-8-202**, as last amended by Laws of Utah 2021, Chapter 281

43 **72-1-304**, as last amended by Laws of Utah 2024, Chapter 517

44 **72-2-124**, as last amended by Laws of Utah 2024, Chapters 498, 501

45 ENACTS:

46 **10-9a-403.2**, Utah Code Annotated 1953

47 **10-9a-403.3**, Utah Code Annotated 1953

48 **17-27a-403.1**, Utah Code Annotated 1953

49 **17-27a-403.2**, Utah Code Annotated 1953

50 **63J-4-402**, Utah Code Annotated 1953

51

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

53 Section 1. Section **10-2a-201.5** is amended to read:

54 **10-2a-201.5 . Qualifications for incorporation.**

55 (1)(a) An area may incorporate as a town in accordance with this part if the area:

56 (i)(A) is contiguous; or

57 (B) is a community council area;

58 (ii) has a population of at least [400] 75 people, but fewer than 1,000 people; and

59 (iii) is not already part of a municipality.

60 (b) A preliminary municipality may transition to, and incorporate as, a town, in
61 accordance with Section 10-2a-510.

62 (c) An area may incorporate as a city in accordance with this part if the area:

- 63 (i)(A) is contiguous; or
64 (B) is a community council area;
65 (ii) has a population of 1,000 people or more; and
66 (iii) is not already part of a municipality.
- 67 (2)(a) An area may not incorporate under this part if:
68 (i) the area has a population of fewer than 100 people; or
69 (ii) except as provided in Subsection (2)(b), the area has an average population
70 density of fewer than seven people per square mile.
- 71 (b) Subsection (2)(a)(ii) does not prohibit incorporation of an area if:
72 (i) noncompliance with Subsection (2)(a)(ii) is necessary to connect separate areas
73 that share a demonstrable community interest; and
74 (ii) the area is contiguous.
- 75 (3) An area incorporating under this part may not include land owned by the United States
76 federal government unless:
77 (a) the area, including the land owned by the United States federal government, is
78 contiguous; and
79 (b)(i) incorporating the land is necessary to connect separate areas that share a
80 demonstrable community interest; or
81 (ii) excluding the land from the incorporating area would create an unincorporated
82 island within the proposed municipality.
- 83 (4)(a) Except as provided in Subsection (4)(b), an area incorporating under this part may
84 not include some or all of an area proposed for annexation in an annexation petition
85 under Section 10-2-403 that:
86 (i) was filed before the filing of the request for a feasibility study, described in
87 Section 10-2a-202, relating to the incorporating area; and
88 (ii) is still pending on the date the request for the feasibility study described in
89 Subsection (4)(a)(i) is filed.
- 90 (b) A feasibility request may propose for incorporation an area that includes some or all
91 of an area proposed for annexation in an annexation petition described in Subsection
92 (4)(a) if:
93 (i) the proposed annexation area that is part of the area proposed for incorporation
94 does not exceed 20% of the area proposed for incorporation;
95 (ii) the feasibility request complies with Subsections 10-2a-202(1), (3), (4), and (5)
96 with respect to excluding the proposed annexation area from the area proposed for

- 97 incorporation; and
- 98 (iii) excluding the area proposed for annexation from the area proposed for
- 99 incorporation would not cause the area proposed for incorporation to not be
- 100 contiguous.
- 101 (c) Except as provided in Section 10-2a-206, the lieutenant governor shall consider each
- 102 feasibility request to which Subsection (4)(b) applies as not proposing the
- 103 incorporation of an area proposed for annexation.
- 104 (5)(a) An area incorporating under this part may not include part of a parcel of real
- 105 property and exclude part of that same parcel unless the owner of the parcel gives
- 106 written consent to exclude part of the parcel.
- 107 (b) A piece of real property that has more than one parcel number is considered to be a
- 108 single parcel for purposes of Subsection (5)(a) if owned by the same owner.
- 109 Section 2. Section **10-9a-102** is amended to read:
- 110 **10-9a-102 . Purposes -- General land use authority.**
- 111 (1) The purposes of this chapter are to:
- 112 (a) provide for the health, safety, and welfare;
- 113 (b) promote the prosperity;
- 114 (c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each
- 115 municipality and each municipality's present and future inhabitants and businesses;
- 116 (d) protect the tax base;
- 117 (e) secure economy in governmental expenditures;
- 118 (f) foster the state's agricultural and other industries;
- 119 (g) protect both urban and nonurban development;
- 120 (h) protect and ensure access to sunlight for solar energy devices;
- 121 (i) provide fundamental fairness in land use regulation;
- 122 (j) facilitate orderly growth, ~~and~~ allow growth in a variety of housing types, and
- 123 contribute toward housing affordability; and
- 124 (k) protect property values.
- 125 (2) To accomplish the purposes of this chapter, a municipality may enact all ordinances,
- 126 resolutions, and rules and may enter into other forms of land use controls and
- 127 development agreements that the municipality considers necessary or appropriate for the
- 128 use and development of land within the municipality, including ordinances, resolutions,
- 129 rules, restrictive covenants, easements, and development agreements governing:
- 130 (a) uses;

- 131 (b) density;
- 132 (c) open spaces;
- 133 (d) structures;
- 134 (e) buildings;
- 135 (f) energy efficiency;
- 136 (g) light and air;
- 137 (h) air quality;
- 138 (i) transportation and public or alternative transportation;
- 139 (j) infrastructure;
- 140 (k) street and building orientation;
- 141 (l) width requirements;
- 142 (m) public facilities;
- 143 (n) fundamental fairness in land use regulation; and
- 144 (o) considerations of surrounding land uses to balance the foregoing purposes with a
- 145 landowner's private property interests and associated statutory and constitutional
- 146 protections.
- 147 (3)(a) Any ordinance, resolution, or rule enacted by a municipality pursuant to its
- 148 authority under this chapter shall comply with the state's exclusive jurisdiction to
- 149 regulate oil and gas activity, as described in Section 40-6-2.5.
- 150 (b) A municipality may enact an ordinance, resolution, or rule that regulates surface
- 151 activity incident to an oil and gas activity if the municipality demonstrates that the
- 152 regulation:
- 153 (i) is necessary for the purposes of this chapter;
- 154 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
- 155 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
- 156 activity, as described in Section 40-6-2.5.
- 157 Section 3. Section **10-9a-403** is amended to read:
- 158 **10-9a-403 . General plan preparation.**
- 159 (1)(a) The planning commission shall provide notice, as provided in Section 10-9a-203,
- 160 of the planning commission's intent to make a recommendation to the municipal
- 161 legislative body for a general plan or a comprehensive general plan amendment when
- 162 the planning commission initiates the process of preparing the planning commission's
- 163 recommendation.
- 164 (b) The planning commission shall make and recommend to the legislative body a

- 165 proposed general plan for the area within the municipality.
- 166 (c) The plan may include areas outside the boundaries of the municipality if, in the
167 planning commission's judgment, those areas are related to the planning of the
168 municipality's territory.
- 169 (d) Except as otherwise provided by law or with respect to a municipality's power of
170 eminent domain, when the plan of a municipality involves territory outside the
171 boundaries of the municipality, the municipality may not take action affecting that
172 territory without the concurrence of the county or other municipalities affected.
- 173 (2)(a) At a minimum, the proposed general plan, with the accompanying maps, charts,
174 and descriptive and explanatory matter, shall include the planning commission's
175 recommendations for the following plan elements:
- 176 (i) a land use element that:
- 177 (A) designates the long-term goals and the proposed extent, general distribution,
178 and location of land for housing for residents of various income levels,
179 business, industry, agriculture, recreation, education, public buildings and
180 grounds, open space, and other categories of public and private uses of land as
181 appropriate;
- 182 (B) includes a statement of the projections for and standards of population density
183 and building intensity recommended for the various land use categories
184 covered by the plan;
- 185 (C) except for a city of the fifth class or a town, is coordinated to integrate the
186 land use element with the water use and preservation element; and
- 187 (D) except for a city of the fifth class or a town, accounts for the effect of land use
188 categories and land uses on water demand;
- 189 (ii) a transportation and traffic circulation element that:
- 190 (A) provides the general location and extent of existing and proposed freeways,
191 arterial and collector streets, public transit, active transportation facilities, and
192 other modes of transportation that the planning commission considers
193 appropriate;
- 194 (B) for a municipality that has access to a major transit investment corridor,
195 addresses the municipality's plan for residential and commercial development
196 around major transit investment corridors to maintain and improve the
197 connections between housing, employment, education, recreation, and
198 commerce;

- 199 (C) for a municipality that does not have access to a major transit investment
 200 corridor, addresses the municipality's plan for residential and commercial
 201 development in areas that will maintain and improve the connections between
 202 housing, transportation, employment, education, recreation, and commerce; and
 203 (D) correlates with the population projections, the employment projections, and
 204 the proposed land use element of the general plan;
- 205 (iii) a moderate income housing element that:
- 206 (A) provides a realistic opportunity to meet the need for additional moderate
 207 income housing within the municipality during the next five years;
- 208 (B) for a ~~[town]~~ municipality that is not a specified municipality, may include a
 209 recommendation to implement three or more of the moderate income housing
 210 strategies described in Subsection (2)(b)(iii);
- 211 (C) for a specified municipality, as defined in Section 10-9a-408, that does not
 212 have a fixed guideway public transit station, shall include a recommendation to
 213 implement three or more of the moderate income housing strategies described
 214 in Subsection (2)(b)(iii) or at least one of the moderate income housing
 215 strategies described in Subsections (2)(b)(iii)(X) through (CC);
- 216 (D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed
 217 guideway public transit station, shall include:
- 218 (I) a recommendation to implement five or more of the moderate income
 219 housing strategies described in Subsection (2)(b)(iii), of which one shall be
 220 the moderate income housing strategy described in Subsection [
 221 ~~(2)(b)(iii)(W)~~;] (2)(b)(iii)(U) and one shall be a moderate income housing
 222 strategy described in Subsection (2)(b)(iii)(G)[;] or (H)[~~or (Q)~~;] ; or
- 223 (II) a recommendation to implement the moderate income housing strategy
 224 described in Subsection (2)(b)(iii)(U), one of the moderate income housing
 225 strategies described in Subsections (2)(b)(iii)(X) through (CC), and one
 226 moderate income strategy described in Subsection (2)(b)(iii); and
- 227 (E) for a specified municipality, as defined in Section 10-9a-408, shall include an
 228 implementation plan as provided in Subsection (2)(c); and
- 229 (iv) except for a city of the fifth class or a town, a water use and preservation element
 230 that addresses:
- 231 (A) the effect of permitted development or patterns of development on water
 232 demand and water infrastructure;

- 233 (B) methods of reducing water demand and per capita consumption for future
234 development;
- 235 (C) methods of reducing water demand and per capita consumption for existing
236 development; and
- 237 (D) opportunities for the municipality to modify the municipality's operations to
238 eliminate practices or conditions that waste water.
- 239 (b) In drafting the moderate income housing element, the planning commission:
- 240 (i) shall consider the Legislature's determination that municipalities shall facilitate a
241 reasonable opportunity for a variety of housing, including moderate income
242 housing:
- 243 (A) to meet the needs of people of various income levels living, working, or
244 desiring to live or work in the community; and
- 245 (B) to allow people with various incomes to benefit from and fully participate in
246 all aspects of neighborhood and community life;
- 247 (ii) for a [town] municipality that is not a specified municipality, may include, and for
248 a specified municipality as defined in Section 10-9a-408, shall include, an analysis
249 of how the municipality will provide a realistic opportunity for the development of
250 moderate income housing within the next five years;
- 251 (iii) for a [town] municipality that is not a specified municipality, may include, and
252 for a specified municipality as defined in Section 10-9a-408, shall include a
253 recommendation to implement the required number of any of the following
254 moderate income housing strategies as specified in Subsection (2)(a)(iii):
- 255 (A) rezone for densities necessary to facilitate the production of moderate income
256 housing;
- 257 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
258 facilitates the construction of moderate income housing;
- 259 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
260 stock into moderate income housing;
- 261 (D) identify and utilize general fund subsidies or other sources of revenue to
262 waive construction related fees that are otherwise generally imposed by the
263 municipality for the construction or rehabilitation of moderate income housing;
- 264 (E) create or allow for, and reduce regulations related to, internal or detached
265 accessory dwelling units in residential zones;
- 266 (F) zone or rezone for higher density or moderate income residential development

- 267 in commercial or mixed-use zones near major transit investment corridors,
268 commercial centers, or employment centers;
- 269 (G) amend land use regulations to allow for higher density or new moderate
270 income residential development in commercial or mixed-use zones near major
271 transit investment corridors;
- 272 (H) amend land use regulations to eliminate or reduce parking requirements for
273 residential development where a resident is less likely to rely on the resident's
274 own vehicle, such as residential development near major transit investment
275 corridors or senior living facilities;
- 276 (I) amend land use regulations to allow for single room occupancy developments;
- 277 (J) implement zoning incentives for moderate income units in new developments;
- 278 (K) preserve existing and new moderate income housing and subsidized units by
279 utilizing a landlord incentive program, providing for deed restricted units
280 through a grant program, or, notwithstanding Section 10-9a-535, establishing a
281 housing loss mitigation fund;
- 282 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 283 (M) demonstrate creation of, or participation in, a community land trust program
284 for moderate income housing;
- 285 (N) implement a mortgage assistance program for employees of the municipality,
286 an employer that provides contracted services to the municipality, or any other
287 public employer that operates within the municipality;
- 288 (O) apply for or partner with an entity that applies for state or federal funds or tax
289 incentives to promote the construction of moderate income housing, an entity
290 that applies for programs offered by the Utah Housing Corporation within that
291 agency's funding capacity, an entity that applies for affordable housing
292 programs administered by the Department of Workforce Services, an entity
293 that applies for affordable housing programs administered by an association of
294 governments established by an interlocal agreement under Title 11, Chapter 13,
295 Interlocal Cooperation Act, an entity that applies for services provided by a
296 public housing authority to preserve and create moderate income housing, or
297 any other entity that applies for programs or services that promote the
298 construction or preservation of moderate income housing;
- 299 (P) demonstrate utilization of a moderate income housing set aside from a
300 community reinvestment agency, redevelopment agency, or community

301 development and renewal agency to create or subsidize moderate income
302 housing;

303 [~~(Q)~~ (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter
304 3, Part 6, Housing and Transit Reinvestment Zone Act;]

305 [~~(R)~~ (R) create a home ownership promotion zone pursuant to Part 10, Home
306 Ownership Promotion Zone for Municipalities;]

307 [~~(S)~~ (Q) eliminate impact fees for any accessory dwelling unit that is not an
308 internal accessory dwelling unit as defined in Section 10-9a-530;

309 [~~(T)~~ (R) create a program to transfer development rights for moderate income
310 housing;

311 [~~(U)~~ (S) ratify a joint acquisition agreement with another local political
312 subdivision for the purpose of combining resources to acquire property for
313 moderate income housing;

314 [~~(V)~~ (T) develop a moderate income housing project for residents who are
315 disabled or 55 years old or older;

316 [~~(W)~~ (U) develop and adopt a station area plan in accordance with Section
317 10-9a-403.1;

318 [~~(X)~~ (V) create or allow for, and reduce regulations related to, multifamily
319 residential dwellings compatible in scale and form with detached single-family
320 residential dwellings and located in walkable communities within residential or
321 mixed-use zones;

322 [~~(Y)~~ create a first home investment zone in accordance with Title 63N, Chapter 3,
323 Part 16, First Home Investment Zone Act; and]

324 [~~(Z)~~ (W) demonstrate implementation of any other program or strategy to address
325 the housing needs of residents of the municipality who earn less than 80% of
326 the area median income, including the dedication of a local funding source to
327 moderate income housing or the adoption of a land use ordinance that requires
328 10% or more of new residential development in a residential zone be dedicated
329 to moderate income housing; ~~and~~]

330 (X) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter
331 3, Part 6, Housing and Transit Reinvestment Zone Act;

332 (Y) create a home ownership promotion zone pursuant to Part 10, Home
333 Ownership Promotion Zone for Municipalities;

334 (Z) create a first home investment zone in accordance with Title 63N, Chapter 3,

- 335 Part 16, First Home Investment Zone Act;
- 336 (AA) approve a project that receives funding from, or qualifies to receive funding
- 337 from, the Utah Homes Investment Program created in Title 51, Chapter 12,
- 338 Utah Homes Investment Program;
- 339 (BB) adopt or approve an affordable home ownership density bonus for
- 340 single-family residential units, as described in Section 10-9a-403.2; and
- 341 (CC) adopt or approve an affordable home ownership density bonus for
- 342 multi-family residential units, as described in Section 10-9a-403.3; and
- 343 (iv) shall identify each moderate income housing strategy recommended to the
- 344 legislative body for implementation by restating the exact language used to
- 345 describe the strategy in Subsection (2)(b)(iii).
- 346 (c)(i) In drafting the implementation plan portion of the moderate income housing
- 347 element as described in Subsection (2)(a)(iii)(C), the planning commission shall
- 348 recommend to the legislative body the establishment of a five-year timeline for
- 349 implementing each of the moderate income housing strategies selected by the
- 350 municipality for implementation.
- 351 (ii) The timeline described in Subsection (2)(c)(i) shall:
- 352 (A) identify specific measures and benchmarks for implementing each moderate
- 353 income housing strategy selected by the municipality, whether one-time or
- 354 ongoing; and
- 355 (B) provide flexibility for the municipality to make adjustments as needed.
- 356 (d) In drafting the land use element, the planning commission shall:
- 357 (i) identify and consider each agriculture protection area within the municipality;
- 358 (ii) avoid proposing a use of land within an agriculture protection area that is
- 359 inconsistent with or detrimental to the use of the land for agriculture; and
- 360 (iii) consider and coordinate with any station area plans adopted by the municipality
- 361 if required under Section 10-9a-403.1.
- 362 (e) In drafting the transportation and traffic circulation element, the planning
- 363 commission shall:
- 364 (i)(A) consider and coordinate with the regional transportation plan developed by
- 365 the municipality's region's metropolitan planning organization, if the
- 366 municipality is within the boundaries of a metropolitan planning organization;
- 367 or
- 368 (B) consider and coordinate with the long-range transportation plan developed by

- 369 the Department of Transportation, if the municipality is not within the
370 boundaries of a metropolitan planning organization; and
- 371 (ii) consider and coordinate with any station area plans adopted by the municipality if
372 required under Section 10-9a-403.1.
- 373 (f) In drafting the water use and preservation element, the planning commission:
- 374 (i) shall consider:
- 375 (A) applicable regional water conservation goals recommended by the Division of
376 Water Resources; and
- 377 (B) if Section 73-10-32 requires the municipality to adopt a water conservation
378 plan pursuant to Section 73-10-32, the municipality's water conservation plan;
- 379 (ii) shall include a recommendation for:
- 380 (A) water conservation policies to be determined by the municipality; and
381 (B) landscaping options within a public street for current and future development
382 that do not require the use of lawn or turf in a parkstrip;
- 383 (iii) shall review the municipality's land use ordinances and include a
384 recommendation for changes to an ordinance that promotes the inefficient use of
385 water;
- 386 (iv) shall consider principles of sustainable landscaping, including the:
- 387 (A) reduction or limitation of the use of lawn or turf;
388 (B) promotion of site-specific landscape design that decreases stormwater runoff
389 or runoff of water used for irrigation;
390 (C) preservation and use of healthy trees that have a reasonable water requirement
391 or are resistant to dry soil conditions;
392 (D) elimination or regulation of ponds, pools, and other features that promote
393 unnecessary water evaporation;
394 (E) reduction of yard waste; and
395 (F) use of an irrigation system, including drip irrigation, best adapted to provide
396 the optimal amount of water to the plants being irrigated;
- 397 (v) shall consult with the public water system or systems serving the municipality
398 with drinking water regarding how implementation of the land use element and
399 water use and preservation element may affect:
- 400 (A) water supply planning, including drinking water source and storage capacity
401 consistent with Section 19-4-114; and
402 (B) water distribution planning, including master plans, infrastructure asset

403 management programs and plans, infrastructure replacement plans, and impact
404 fee facilities plans;

405 (vi) shall consult with the Division of Water Resources for information and technical
406 resources regarding regional water conservation goals, including how
407 implementation of the land use element and the water use and preservation
408 element may affect the Great Salt Lake;

409 (vii) may include recommendations for additional water demand reduction strategies,
410 including:

411 (A) creating a water budget associated with a particular type of development;

412 (B) adopting new or modified lot size, configuration, and landscaping standards
413 that will reduce water demand for new single family development;

414 (C) providing one or more water reduction incentives for existing development
415 such as modification of existing landscapes and irrigation systems and
416 installation of water fixtures or systems that minimize water demand;

417 (D) discouraging incentives for economic development activities that do not
418 adequately account for water use or do not include strategies for reducing
419 water demand; and

420 (E) adopting water concurrency standards requiring that adequate water supplies
421 and facilities are or will be in place for new development; and

422 (viii) for a town, may include, and for another municipality, shall include, a
423 recommendation for low water use landscaping standards for a new:

424 (A) commercial, industrial, or institutional development;

425 (B) common interest community, as defined in Section 57-25-102; or

426 (C) multifamily housing project.

427 (3) The proposed general plan may include:

428 (a) an environmental element that addresses:

429 (i) the protection, conservation, development, and use of natural resources, including
430 the quality of:

431 (A) air;

432 (B) forests;

433 (C) soils;

434 (D) rivers;

435 (E) groundwater and other waters;

436 (F) harbors;

- 437 (G) fisheries;
- 438 (H) wildlife;
- 439 (I) minerals; and
- 440 (J) other natural resources; and
- 441 (ii)(A) the reclamation of land, flood control, prevention and control of the
- 442 pollution of streams and other waters;
- 443 (B) the regulation of the use of land on hillsides, stream channels and other
- 444 environmentally sensitive areas;
- 445 (C) the prevention, control, and correction of the erosion of soils;
- 446 (D) the preservation and enhancement of watersheds and wetlands; and
- 447 (E) the mapping of known geologic hazards;
- 448 (b) a public services and facilities element showing general plans for sewage, water,
- 449 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for
- 450 them, police and fire protection, and other public services;
- 451 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 452 programs for:
- 453 (i) historic preservation;
- 454 (ii) the diminution or elimination of a development impediment as defined in Section
- 455 17C-1-102; and
- 456 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 457 public building sites;
- 458 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 459 economic development plan, which may include review of existing and projected
- 460 municipal revenue and expenditures, revenue sources, identification of basic and
- 461 secondary industry, primary and secondary market areas, employment, and retail
- 462 sales activity;
- 463 (e) recommendations for implementing all or any portion of the general plan, including
- 464 the adoption of land and water use ordinances, capital improvement plans,
- 465 community development and promotion, and any other appropriate action;
- 466 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3); and
- 467 (g) any other element the municipality considers appropriate.

468 Section 4. Section **10-9a-403.2** is enacted to read:

469 **10-9a-403.2 . Affordable home ownership density bonus for single-family**
470 **residential units.**

- 471 (1) As used in this section:
- 472 (a) "Affordable housing" means a dwelling:
- 473 (i) offered for sale to an owner-occupier at a purchase price affordable to a household
- 474 with a gross income of no more than 120% of area median income for the county
- 475 in which the residential unit is offered for sale; or
- 476 (ii) offered for rent at a rental price affordable to a household with a gross income of
- 477 no more than 80% of area median income for the county in which the residential
- 478 unit is offered for rent.
- 479 (b) "Owner-occupier" means an individual who owns, solely or jointly, a housing unit in
- 480 which the individual lives as the individual's primary residence.
- 481 (2) If a municipality approves an area to be developed at a minimum density of six
- 482 residential units per acre, either through a zoning ordinance or a development
- 483 agreement, the municipality may:
- 484 (a) adopt requirements to ensure:
- 485 (i) that some or all of the residential units offered for sale in the area be
- 486 deed-restricted for at least five years to ensure owner-occupancy; or
- 487 (ii) that some or all of the residential units in the area qualify as affordable housing;
- 488 and
- 489 (b) approve an applicant's request for additional single-family residential units per acre
- 490 in the area in exchange for one or more of the following:
- 491 (i) requiring at least 60% of the total single-family residential units being
- 492 deed-restricted to owner-occupancy for at least five years;
- 493 (ii) requiring at least 25% of the total single-family residential units being offered for
- 494 sale to an owner-occupier at a price point 80% or less of the median county home
- 495 price for housing of that type;
- 496 (iii) requiring at least 25% of the single-family residential units per acre to be no
- 497 larger than 1,600 square feet; or
- 498 (iv) the applicant creating a preferential qualifying buyer program in which a
- 499 single-family residential unit is initially offered for sale, for up to 30 days, to a
- 500 category of preferred qualifying buyers established by the municipality, in
- 501 accordance with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.
- 502 (3) A municipality may offer additional incentives in an area approved for single-family
- 503 residential units to promote owner-occupied, affordable housing.

504 Section 5. Section **10-9a-403.3** is enacted to read:

505 **10-9a-403.3 . Affordable home ownership density bonus for multi-family**
 506 **residential units.**

507 (1) As used in this section:

508 (a) "Affordable housing" means the same as that term is defined in Section 10-9a-403.2.

509 (b) "Owner-occupier" means the same as that term is defined in Section 10-9a-403.2.

510 (2) If a municipality approves an area to be developed at a minimum density of 20
 511 residential units per acre, either through a zoning ordinance or a development
 512 agreement, the municipality may:

513 (a) approve an applicant's request to build:

514 (i) up to 20% more residential units per acre than otherwise allowed in the area, if the
 515 residential units are intended for owner-occupiers; or

516 (ii) one or more additional stories of height on a multi-family residential building
 517 above the limit otherwise allowed, if the housing units in the multi-family
 518 residential building are intended for owner-occupiers; and

519 (b) if the municipality approves a request described in Subsection (2)(a), implement one
 520 or more of the following requirements:

521 (i) requiring at least 60% of the total units in the multi-family residential building
 522 being deed-restricted to owner-occupancy for at least five years;

523 (ii) requiring at least 25% of the total units in the multi-family residential building
 524 being offered for sale to an owner-occupier at a price point 80% or less of the
 525 median county home price for housing of that type;

526 (iii) requiring at least 25% of the total units in a multi-family residential building to
 527 be no larger than 1,600 square feet; or

528 (iv) the applicant creating a preferential qualifying buyer program in which a unit in a
 529 multi-family residential building is initially offered for sale, for up to 30 days, to a
 530 category of preferred qualifying buyers established by the municipality, in
 531 accordance with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.

532 (3) A municipality may offer additional incentives in an area approved for multi-family
 533 residential units to promote owner-occupied, affordable housing.

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

535 **10-9a-408 . Moderate income housing report -- Contents -- Prioritization for**
 536 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

537 (1) As used in this section:

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

- 539 Department of Workforce Services.
- 540 (b) "Implementation plan" means the implementation plan adopted as part of the
541 moderate income housing element of a specified municipality's general plan as
542 provided in Subsection 10-9a-403(2)(c).
- 543 (c) "Initial report" or "initial moderate income housing report" means the one-time report
544 described in Subsection (2).
- 545 (d) "Moderate income housing strategy" means a strategy described in Subsection
546 10-9a-403(2)(b)(iii).
- 547 (e) "Report" means an initial report or a subsequent progress report.
- 548 (f) "Specified municipality" means:
- 549 (i) a city of the first, second, third, or fourth class; or
550 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located
551 within a county of the first, second, or third class.
- 552 (g) "Subsequent progress report" means the annual report described in Subsection (3).
- 553 (2)(a) The legislative body of a specified municipality shall submit an initial report to
554 the division.
- 555 (b)(i) This Subsection (2)(b) applies to a municipality that is not a specified
556 municipality as of January 1, 2023.
- 557 (ii) As of January 1, if a municipality described in Subsection (2)(b)(i) changes from
558 one class to another or grows in population to qualify as a specified municipality,
559 the municipality shall submit an initial plan to the division on or before August 1
560 of the first calendar year beginning on January 1 in which the municipality
561 qualifies as a specified municipality.
- 562 (c) The initial report shall:
- 563 (i) identify each moderate income housing strategy selected by the specified
564 municipality for continued, ongoing, or one-time implementation, restating the
565 exact language used to describe the moderate income housing strategy in
566 Subsection 10-9a-403(2)(b)(iii); and
567 (ii) include an implementation plan.
- 568 (3)(a) After the division approves a specified municipality's initial report under this
569 section, the specified municipality shall, as an administrative act, annually submit to
570 the division a subsequent progress report on or before August 1 of each year after the
571 year in which the specified municipality is required to submit the initial report.
- 572 (b) The subsequent progress report shall include:

- 573 (i) subject to Subsection (3)(c), a description of each action, whether one-time or
574 ongoing, taken by the specified municipality during the previous 12-month period
575 to implement the moderate income housing strategies identified in the initial
576 report for implementation;
- 577 (ii) a description of each land use regulation or land use decision made by the
578 specified municipality during the previous 12-month period to implement the
579 moderate income housing strategies, including an explanation of how the land use
580 regulation or land use decision supports the specified municipality's efforts to
581 implement the moderate income housing strategies;
- 582 (iii) a description of any barriers encountered by the specified municipality in the
583 previous 12-month period in implementing the moderate income housing
584 strategies;
- 585 (iv) information regarding the number of internal and external or detached accessory
586 dwelling units located within the specified municipality for which the specified
587 municipality:
- 588 (A) issued a building permit to construct; or
589 (B) issued a business license or comparable license or permit to rent;
- 590 (v) the number of residential dwelling units that have been entitled that have not
591 received a building permit as of the submission date of the progress report;
- 592 (vi) shapefiles, or website links if shapefiles are not available, to current maps and
593 tables related to zoning;
- 594 (vii) a description of how the market has responded to the selected moderate income
595 housing strategies, including the number of entitled moderate income housing
596 units or other relevant data; and
- 597 (viii) any recommendations on how the state can support the specified municipality
598 in implementing the moderate income housing strategies.
- 599 (c) For purposes of describing actions taken by a specified municipality under
600 Subsection (3)(b)(i), the specified municipality may include an ongoing action taken
601 by the specified municipality prior to the 12-month reporting period applicable to the
602 subsequent progress report if the specified municipality:
- 603 (i) has already adopted an ordinance, approved a land use application, made an
604 investment, or approved an agreement or financing that substantially promotes the
605 implementation of a moderate income housing strategy identified in the initial
606 report; and

- 607 (ii) demonstrates in the subsequent progress report that the action taken under
 608 Subsection (3)(c)(i) is relevant to making meaningful progress towards the
 609 specified municipality's implementation plan.
- 610 (d) A specified municipality's report shall be in a form:
- 611 (i) approved by the division; and
- 612 (ii) made available by the division on or before May 1 of the year in which the report
 613 is required.
- 614 (4) Within 90 days after the day on which the division receives a specified municipality's
 615 report, the division shall:
- 616 (a) post the report on the division's website;
- 617 (b) send a copy of the report to the Department of Transportation, the Governor's Office
 618 of Planning and Budget, the association of governments in which the specified
 619 municipality is located, and, if the specified municipality is located within the
 620 boundaries of a metropolitan planning organization, the appropriate metropolitan
 621 planning organization; and
- 622 (c) subject to Subsection (5), review the report to determine compliance with this section.
- 623 (5)(a) An initial report [~~does not comply~~] complies with this section [~~unless~~] if the report:
- 624 (i) includes the information required under Subsection (2)(c);
- 625 (ii) demonstrates to the division that the specified municipality made plans to
 626 implement:
- 627 (A) except as provided in Subsection (5)(c), three or more moderate income
 628 housing strategies if the specified municipality does not have a fixed guideway
 629 public transit station; or
- 630 (B) [~~subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income~~
 631 ~~housing strategies]~~if the specified municipality has a fixed guideway public
 632 transit station:
- 633 (I) five or more of the moderate income housing strategies described in
 634 Subsection 10-9a-403(2)(b)(iii), of which one shall be the moderate income
 635 housing strategy described in Subsection 10-9a-403(2)(b)(iii)(U) and one
 636 shall be a moderate income housing strategy described in Subsection
 637 10-9a-403(2)(b)(iii)(G) or (H); or
- 638 (II) the moderate income housing strategy described in Subsection
 639 10-9a-403(2)(b)(iii)(U), one of the moderate income housing strategies
 640 described in Subsections 10-9a-403(2)(b)(iii)(X) through (CC), and one

- 641 moderate income strategy described in Subsection 10-9a-403(2)(b)(iii); and
 642 (iii) is in a form approved by the division.
- 643 (b) A subsequent progress report [~~does not comply~~] complies with this section [~~unless~~] if
 644 the report:
- 645 (i) demonstrates to the division that the specified municipality made plans to
 646 implement:
- 647 (A) except as provided in Subsection (5)(c), three or more moderate income
 648 housing strategies if the specified municipality does not have a fixed guideway
 649 public transit station; or
- 650 (B) [~~subject to the requirements of Subsection 10-9a-403(2)(a)(iii)(D), five or~~
 651 ~~more moderate income housing strategies~~] if the specified municipality has a
 652 fixed guideway public transit station: [;]
- 653 (I) five or more of the moderate income housing strategies described in
 654 Subsection 10-9a-403(2)(b)(iii), of which one shall be the moderate income
 655 housing strategy described in Subsection 10-9a-403(2)(b)(iii)(U) and one
 656 shall be a moderate income housing strategy described in Subsection
 657 10-9a-403(2)(b)(iii)(G) or (H); or
- 658 (II) the moderate income housing strategy described in Subsection
 659 10-9a-403(2)(b)(iii)(U), one of the moderate income housing strategies
 660 described in Subsections 10-9a-403(2)(b)(iii)(X) through (CC), and one
 661 moderate income strategy described in Subsection 10-9a-403(2)(b)(iii);
- 662 (ii) is in a form approved by the division; and
- 663 (iii) provides sufficient information for the division to:
- 664 (A) assess the specified municipality's progress in implementing the moderate
 665 income housing strategies;
- 666 (B) monitor compliance with the specified municipality's implementation plan;
- 667 (C) identify a clear correlation between the specified municipality's land use
 668 regulations and land use decisions and the specified municipality's efforts to
 669 implement the moderate income housing strategies;
- 670 (D) identify how the market has responded to the specified municipality's selected
 671 moderate income housing strategies; and
- 672 (E) identify any barriers encountered by the specified municipality in
 673 implementing the selected moderate income housing strategies.
- 674 (c)(i) If a specified municipality with or without a fixed guideway public transit

- 675 station implements or is implementing, by ordinance or development agreement,
 676 one of the following moderate income housing strategies, the division shall
 677 consider that one moderate income housing strategy to be the equivalent of three
 678 moderate income housing strategies:
- 679 (A) a housing and transit reinvestment zone, as described in Subsection
 680 10-9a-403(2)(a)(iii)(X);
 - 681 (B) a home ownership promotion zone, as described in Subsection
 682 10-9a-403(2)(a)(iii)(Y);
 - 683 (C) a first home promotion zone, described in Subsection 10-9a-403(2)(a)(iii)(Z);
 - 684 (D) the approval of a project described in Subsection 10-9a-403(2)(a)(iii)(AA);
 - 685 (E) an affordable home ownership density bonus for single-family residential
 686 units, as described in Subsection 10-9a-403(2)(a)(iii)(BB); or
 - 687 (F) an affordable home ownership density bonus for multi-family residential units,
 688 as described in Subsection 10-9a-403(2)(a)(iii)(CC).
- 689 (ii) If the division considers one moderate income housing strategy described in
 690 Subsection (5)(c)(i) as the equivalent of three moderate income housing strategies,
 691 the division shall also consider the specified municipality compliant with the
 692 reporting requirement described in this section for:
- 693 (A) the year in which the specified municipality submits the initial report or
 694 subsequent report; and
 - 695 (B) two subsequent reporting years.
- 696 (6)(a) A specified municipality qualifies for priority consideration under this Subsection
 697 (6) if the specified municipality's report:
- 698 (i) complies with this section; and
 - 699 (ii) demonstrates to the division that the specified municipality made plans to
 700 implement:
- 701 (A) five or more moderate income housing strategies if the specified municipality
 702 does not have a fixed guideway public transit station; or
 - 703 (B) six or more moderate income housing strategies if the specified municipality
 704 has a fixed guideway public transit station.
- 705 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c),
 706 give priority consideration to transportation projects located within the boundaries of
 707 a specified municipality described in Subsection (6)(a) until the Department of
 708 Transportation receives notice from the division under Subsection (6)(e).

- 709 (c) Upon determining that a specified municipality qualifies for priority consideration
710 under this Subsection (6), the division shall send a notice of prioritization to the
711 legislative body of the specified municipality and the Department of Transportation.
- 712 (d) The notice described in Subsection (6)(c) shall:
- 713 (i) name the specified municipality that qualifies for priority consideration;
- 714 (ii) describe the funds or projects for which the specified municipality qualifies to
715 receive priority consideration; and
- 716 (iii) state the basis for the division's determination that the specified municipality
717 qualifies for priority consideration.
- 718 (e) The division shall notify the legislative body of a specified municipality and the
719 Department of Transportation in writing if the division determines that the specified
720 municipality no longer qualifies for priority consideration under this Subsection (6).
- 721 (7)(a) If the division, after reviewing a specified municipality's report, determines that
722 the report does not comply with this section, the division shall send a notice of
723 noncompliance to the legislative body of the specified municipality.
- 724 (b) A specified municipality that receives a notice of noncompliance may:
- 725 (i) cure each deficiency in the report within 90 days after the day on which the notice
726 of noncompliance is sent; or
- 727 (ii) request an appeal of the division's determination of noncompliance within 10
728 days after the day on which the notice of noncompliance is sent.
- 729 (c) The notice described in Subsection (7)(a) shall:
- 730 (i) describe each deficiency in the report and the actions needed to cure each
731 deficiency;
- 732 (ii) state that the specified municipality has an opportunity to:
- 733 (A) submit to the division a corrected report that cures each deficiency in the
734 report within 90 days after the day on which the notice of compliance is sent; or
- 735 (B) submit to the division a request for an appeal of the division's determination of
736 noncompliance within 10 days after the day on which the notice of
737 noncompliance is sent; and
- 738 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the
739 specified municipality's ineligibility for funds under Subsection (9).
- 740 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the
741 action needed to cure the deficiency as described by the division requires the
742 specified municipality to make a legislative change, the specified municipality may

- 743 cure the deficiency by making that legislative change within the 90-day cure period.
- 744 (e)(i) If a specified municipality submits to the division a corrected report in
745 accordance with Subsection (7)(b)(i) and the division determines that the
746 corrected report does not comply with this section, the division shall send a
747 second notice of noncompliance to the legislative body of the specified
748 municipality within 30 days after the day on which the corrected report is
749 submitted.
- 750 (ii) A specified municipality that receives a second notice of noncompliance may
751 submit to the division a request for an appeal of the division's determination of
752 noncompliance within 10 days after the day on which the second notice of
753 noncompliance is sent.
- 754 (iii) The notice described in Subsection (7)(e)(i) shall:
- 755 (A) state that the specified municipality has an opportunity to submit to the
756 division a request for an appeal of the division's determination of
757 noncompliance within 10 days after the day on which the second notice of
758 noncompliance is sent; and
- 759 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the
760 specified municipality's ineligibility for funds under Subsection (9).
- 761 (8)(a) A specified municipality that receives a notice of noncompliance under
762 Subsection (7)(a) or (7)(e)(i) may request an appeal of the division's determination of
763 noncompliance within 10 days after the day on which the notice of noncompliance is
764 sent.
- 765 (b) Within 90 days after the day on which the division receives a request for an appeal,
766 an appeal board consisting of the following three members shall review and issue a
767 written decision on the appeal:
- 768 (i) one individual appointed by the Utah League of Cities and Towns;
769 (ii) one individual appointed by the Utah Homebuilders Association; and
770 (iii) one individual appointed by the presiding member of the association of
771 governments, established pursuant to an interlocal agreement under Title 11,
772 Chapter 13, Interlocal Cooperation Act, of which the specified municipality is a
773 member.
- 774 (c) The written decision of the appeal board shall either uphold or reverse the division's
775 determination of noncompliance.
- 776 (d) The appeal board's written decision on the appeal is final.

- 777 (9)(a) A specified municipality is ineligible for funds under this Subsection (9) if:
- 778 (i) the specified municipality fails to submit a report to the division;
- 779 (ii) after submitting a report to the division, the division determines that the report
- 780 does not comply with this section and the specified municipality fails to:
- 781 (A) cure each deficiency in the report within 90 days after the day on which the
- 782 notice of noncompliance is sent; or
- 783 (B) request an appeal of the division's determination of noncompliance within 10
- 784 days after the day on which the notice of noncompliance is sent;
- 785 (iii) after submitting to the division a corrected report to cure the deficiencies in a
- 786 previously submitted report, the division determines that the corrected report does
- 787 not comply with this section and the specified municipality fails to request an
- 788 appeal of the division's determination of noncompliance within 10 days after the
- 789 day on which the second notice of noncompliance is sent; or
- 790 (iv) after submitting a request for an appeal under Subsection (8), the appeal board
- 791 issues a written decision upholding the division's determination of noncompliance.
- 792 (b) The following apply to a specified municipality described in Subsection (9)(a) until
- 793 the division provides notice under Subsection (9)(e):
- 794 (i) the executive director of the Department of Transportation may not program funds
- 795 from the Transportation Investment Fund of 2005, including the Transit
- 796 Transportation Investment Fund, to projects located within the boundaries of the
- 797 specified municipality in accordance with Subsection 72-2-124(5);
- 798 (ii) beginning with a report submitted in 2024, the specified municipality shall pay a
- 799 fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that
- 800 the specified municipality:
- 801 (A) fails to submit the report to the division in accordance with this section,
- 802 beginning the day after the day on which the report was due; or
- 803 (B) fails to cure the deficiencies in the report, beginning the day after the day by
- 804 which the cure was required to occur as described in the notice of
- 805 noncompliance under Subsection (7); and
- 806 (iii) beginning with the report submitted in 2025, the specified municipality shall pay
- 807 a fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that
- 808 the specified municipality, in a consecutive year:
- 809 (A) fails to submit the report to the division in accordance with this section,
- 810 beginning the day after the day on which the report was due; or

811 (B) fails to cure the deficiencies in the report, beginning the day after the day by
 812 which the cure was required to occur as described in the notice of
 813 noncompliance under Subsection (7).

814 (c) Upon determining that a specified municipality is ineligible for funds under this
 815 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the
 816 division shall send a notice of ineligibility to the legislative body of the specified
 817 municipality, the Department of Transportation, the State Tax Commission, and the
 818 Governor's Office of Planning and Budget.

819 (d) The notice described in Subsection (9)(c) shall:

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

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

822 (iii) describe the fee the specified municipality is required to pay under Subsection
 823 (9)(b), if applicable; and

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

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

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

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

837 Section 7. Section **10-9a-535** is amended to read:

838 **10-9a-535 . Moderate income housing.**

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

841 (a) the municipality and the applicant enter into a written agreement regarding the
 842 number of moderate income housing units;[-or]

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

845 (c) the municipality offers or approves, and an applicant accepts, an incentive described
 846 in Section 10-9a-403.2 or 10-9a-403.3.

847 (2) If an applicant does not agree to participate in the development of moderate income
 848 housing units under Subsection (1)(a) or (b), a municipality may not take into
 849 consideration the applicant's decision in the municipality's determination of whether to
 850 approve or deny a land use application.

851 (3) Notwithstanding Subsections (1) and (2), a municipality that imposes a resort
 852 community sales and use tax as described in Section 59-12-401, may require the
 853 development of a certain number of moderate income housing units as a condition of
 854 approval of a land use application if the requirement is in accordance with an ordinance
 855 enacted by the municipality before January 1, 2022.

856 Section 8. Section **17-27a-102** is amended to read:

857 **17-27a-102 . Purposes -- General land use authority -- Limitations.**

858 (1)(a) The purposes of this chapter are to:

- 859 (i) provide for the health, safety, and welfare;
- 860 (ii) promote the prosperity;
- 861 (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of
 862 each county and each county's present and future inhabitants and businesses;
- 863 (iv) protect the tax base;
- 864 (v) secure economy in governmental expenditures;
- 865 (vi) foster the state's agricultural and other industries;
- 866 (vii) protect both urban and nonurban development;
- 867 (viii) protect and ensure access to sunlight for solar energy devices;
- 868 (ix) provide fundamental fairness in land use regulation;
- 869 (x) facilitate orderly growth, ~~and~~ allow growth in a variety of housing types, and
 870 contribute toward housing affordability; and
- 871 (xi) protect property values.

872 (b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this
 873 chapter, a county may enact all ordinances, resolutions, and rules and may enter into
 874 other forms of land use controls and development agreements that the county
 875 considers necessary or appropriate for the use and development of land within the
 876 unincorporated area of the county or a designated mountainous planning district,
 877 including ordinances, resolutions, rules, restrictive covenants, easements, and
 878 development agreements governing:

879 (i) uses;
880 (ii) density;
881 (iii) open spaces;
882 (iv) structures;
883 (v) buildings;
884 (vi) energy-efficiency;
885 (vii) light and air;
886 (viii) air quality;
887 (ix) transportation and public or alternative transportation;
888 (x) infrastructure;
889 (xi) street and building orientation and width requirements;
890 (xii) public facilities;
891 (xiii) fundamental fairness in land use regulation; and
892 (xiv) considerations of surrounding land uses to balance the foregoing purposes with
893 a landowner's private property interests and associated statutory and constitutional
894 protections.

895 (2) Each county shall comply with the mandatory provisions of this part before any
896 agreement or contract to provide goods, services, or municipal-type services to any
897 storage facility or transfer facility for high-level nuclear waste, or greater than class C
898 radioactive waste, may be executed or implemented.

899 (3)(a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority
900 under this chapter shall comply with the state's exclusive jurisdiction to regulate oil
901 and gas activity, as described in Section 40-6-2.5.

902 (b) A county may enact an ordinance, resolution, or rule that regulates surface activity
903 incident to an oil and gas activity if the county demonstrates that the regulation:
904 (i) is necessary for the purposes of this chapter;
905 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
906 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
907 activity, as described in Section 40-6-2.5.

908 (4)(a) This Subsection (4) applies to development agreements entered into on or after
909 May 5, 2021.

910 (b) A provision in a county development agreement is unenforceable if the provision
911 requires an individual or an entity, as a condition for issuing building permits or
912 otherwise regulating development activities within an unincorporated area of the

913 county, to initiate a process for a municipality to annex the unincorporated area in
914 accordance with Title 10, Chapter 2, Part 4, Annexation.

915 (c) Subsection (4)(b) does not affect or impair the enforceability of any other provision
916 in the development agreement.

917 Section 9. Section **17-27a-403** is amended to read:

918 **17-27a-403 . General plan preparation.**

919 (1)(a) The planning commission shall provide notice, as provided in Section 17-27a-203,
920 of the planning commission's intent to make a recommendation to the county
921 legislative body for a general plan or a comprehensive general plan amendment when
922 the planning commission initiates the process of preparing the planning commission's
923 recommendation.

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

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

927 (ii) if the planning commission is a planning commission for a mountainous planning
928 district, the mountainous planning district.

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

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

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

939 (i) a land use element that:

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

945 (B) includes a statement of the projections for and standards of population density
946 and building intensity recommended for the various land use categories

- 947 covered by the plan;
- 948 (C) is coordinated to integrate the land use element with the water use and
949 preservation element; and
- 950 (D) accounts for the effect of land use categories and land uses on water demand;
- 951 (ii) a transportation and traffic circulation element that:
- 952 (A) provides the general location and extent of existing and proposed freeways,
953 arterial and collector streets, public transit, active transportation facilities, and
954 other modes of transportation that the planning commission considers
955 appropriate;
- 956 (B) addresses the county's plan for residential and commercial development
957 around major transit investment corridors to maintain and improve the
958 connections between housing, employment, education, recreation, and
959 commerce; and
- 960 (C) correlates with the population projections, the employment projections, and
961 the proposed land use element of the general plan;
- 962 (iii) for a specified county as defined in Section 17-27a-408, a moderate income
963 housing element that:
- 964 (A) provides a realistic opportunity to meet the need for additional moderate
965 income housing within the next five years;
- 966 (B) selects three or more moderate income housing strategies described in [
967 ~~Subsection~~] Subsections (2)(b)(ii)(A) through (V), or one moderate income
968 housing strategy described in Subsections (2)(b)(ii)(W) through (BB), for
969 implementation; and
- 970 (C) includes an implementation plan as provided in Subsection [~~(2)(e)~~] (2)(g);
- 971 (iv) a resource management plan detailing the findings, objectives, and policies
972 required by Subsection 17-27a-401(3); and
- 973 (v) a water use and preservation element that addresses:
- 974 (A) the effect of permitted development or patterns of development on water
975 demand and water infrastructure;
- 976 (B) methods of reducing water demand and per capita consumption for future
977 development;
- 978 (C) methods of reducing water demand and per capita consumption for existing
979 development; and
- 980 (D) opportunities for the county to modify the county's operations to eliminate

981 practices or conditions that waste water.

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

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

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

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

990 (ii) shall include an analysis of how the county will provide a realistic opportunity for
991 the development of moderate income housing within the planning horizon,
992 including a recommendation to implement three or more of the following
993 moderate income housing strategies:

994 (A) rezone for densities necessary to facilitate the production of moderate income
995 housing;

996 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
997 facilitates the construction of moderate income housing;

998 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
999 stock into moderate income housing;

1000 (D) identify and utilize county general fund subsidies or other sources of revenue
1001 to waive construction related fees that are otherwise generally imposed by the
1002 county for the construction or rehabilitation of moderate income housing;

1003 (E) create or allow for, and reduce regulations related to, internal or detached
1004 accessory dwelling units in residential zones;

1005 (F) zone or rezone for higher density or moderate income residential development
1006 in commercial or mixed-use zones, commercial centers, or employment centers;

1007 (G) amend land use regulations to allow for higher density or new moderate
1008 income residential development in commercial or mixed-use zones near major
1009 transit investment corridors;

1010 (H) amend land use regulations to eliminate or reduce parking requirements for
1011 residential development where a resident is less likely to rely on the resident's
1012 own vehicle, such as residential development near major transit investment
1013 corridors or senior living facilities;

1014 (I) amend land use regulations to allow for single room occupancy developments;

- 1015 (J) implement zoning incentives for moderate income units in new developments;
- 1016 (K) preserve existing and new moderate income housing and subsidized units by
- 1017 utilizing a landlord incentive program, providing for deed restricted units
- 1018 through a grant program, or establishing a housing loss mitigation fund;
- 1019 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 1020 (M) demonstrate creation of, or participation in, a community land trust program
- 1021 for moderate income housing;
- 1022 (N) implement a mortgage assistance program for employees of the county, an
- 1023 employer that provides contracted services for the county, or any other public
- 1024 employer that operates within the county;
- 1025 (O) apply for or partner with an entity that applies for state or federal funds or tax
- 1026 incentives to promote the construction of moderate income housing, an entity
- 1027 that applies for programs offered by the Utah Housing Corporation within that
- 1028 agency's funding capacity, an entity that applies for affordable housing
- 1029 programs administered by the Department of Workforce Services, an entity
- 1030 that applies for services provided by a public housing authority to preserve and
- 1031 create moderate income housing, or any other entity that applies for programs
- 1032 or services that promote the construction or preservation of moderate income
- 1033 housing;
- 1034 (P) demonstrate utilization of a moderate income housing set aside from a
- 1035 community reinvestment agency, redevelopment agency, or community
- 1036 development and renewal agency to create or subsidize moderate income
- 1037 housing;
- 1038 [~~(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter~~
- 1039 ~~3, Part 6, Housing and Transit Reinvestment Zone Act;~~]
- 1040 [~~(R) create a home ownership promotion zone pursuant to Part 12, Home~~
- 1041 ~~Ownership Promotion Zone for Counties;~~]
- 1042 [~~(S)~~] (Q) eliminate impact fees for any accessory dwelling unit that is not an
- 1043 internal accessory dwelling unit as defined in Section 10-9a-530;
- 1044 [~~(T)~~] (R) create a program to transfer development rights for moderate income
- 1045 housing;
- 1046 [~~(U)~~] (S) ratify a joint acquisition agreement with another local political
- 1047 subdivision for the purpose of combining resources to acquire property for
- 1048 moderate income housing;

- 1049 [~~(V)~~] (T) develop a moderate income housing project for residents who are
 1050 disabled or 55 years old or older;
- 1051 [~~(W)~~] (U) create or allow for, and reduce regulations related to, multifamily
 1052 residential dwellings compatible in scale and form with detached single-family
 1053 residential dwellings and located in walkable communities within residential or
 1054 mixed-use zones;~~[-and]~~
- 1055 [~~(X)~~] (V) demonstrate implementation of any other program or strategy to address
 1056 the housing needs of residents of the county who earn less than 80% of the area
 1057 median income, including the dedication of a local funding source to moderate
 1058 income housing or the adoption of a land use ordinance that requires 10% or
 1059 more of new residential development in a residential zone be dedicated to
 1060 moderate income housing[-:];
- 1061 (W) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter
 1062 3, Part 6, Housing and Transit Reinvestment Zone Act;
- 1063 (X) create a home ownership investment zone in accordance with Part 12, Home
 1064 Ownership Promotion Zone for Counties;
- 1065 (Y) create a first home investment zone in accordance with Title 63N, Chapter 3,
 1066 Part 16, First Home Investment Zone Act;
- 1067 (Z) approve a project that receives funding from, or qualifies to receive funding
 1068 from, the Utah Homes Investment Program created in Title 51, Chapter 12,
 1069 Utah Homes Investment Program;
- 1070 (AA) adopt or approve an affordable home ownership density bonus for
 1071 single-family residential units, as described in Section 17-27a-403.1; and
- 1072 (BB) adopt or approve an affordable home ownership density bonus for
 1073 multi-family residential units, as described in Section 17-27a-403.2.
- 1074 (c) If a specified county, as defined in Section 17-27a-408, has created a small public
 1075 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the
 1076 specified county shall include as part of the specified county's recommended
 1077 strategies under Subsection (2)(b)(ii) a recommendation to implement the strategy
 1078 described in Subsection [~~(2)(b)(ii)(Q)~~] (2)(b)(ii)(W).
- 1079 (d) The planning commission shall identify each moderate income housing strategy
 1080 recommended to the legislative body for implementation by restating the exact
 1081 language used to describe the strategy in Subsection (2)(b)(ii).
- 1082 (e) In drafting the land use element, the planning commission shall:

- 1083 (i) identify and consider each agriculture protection area within the unincorporated
1084 area of the county or mountainous planning district;
- 1085 (ii) avoid proposing a use of land within an agriculture protection area that is
1086 inconsistent with or detrimental to the use of the land for agriculture; and
- 1087 (iii) consider and coordinate with any station area plans adopted by municipalities
1088 located within the county under Section 10-9a-403.1.
- 1089 (f) In drafting the transportation and traffic circulation element, the planning
1090 commission shall:
- 1091 (i)(A) consider and coordinate with the regional transportation plan developed by
1092 the county's region's metropolitan planning organization, if the relevant areas
1093 of the county are within the boundaries of a metropolitan planning
1094 organization; or
- 1095 (B) consider and coordinate with the long-range transportation plan developed by
1096 the Department of Transportation, if the relevant areas of the county are not
1097 within the boundaries of a metropolitan planning organization; and
- 1098 (ii) consider and coordinate with any station area plans adopted by municipalities
1099 located within the county under Section 10-9a-403.1.
- 1100 (g)(i) In drafting the implementation plan portion of the moderate income housing
1101 element as described in Subsection (2)(a)(iii)(C), the planning commission shall
1102 recommend to the legislative body the establishment of a five-year timeline for
1103 implementing each of the moderate income housing strategies selected by the
1104 county for implementation.
- 1105 (ii) The timeline described in Subsection (2)(g)(i) shall:
- 1106 (A) identify specific measures and benchmarks for implementing each moderate
1107 income housing strategy selected by the county; and
- 1108 (B) provide flexibility for the county to make adjustments as needed.
- 1109 (h) In drafting the water use and preservation element, the planning commission:
- 1110 (i) shall consider applicable regional water conservation goals recommended by the
1111 Division of Water Resources;
- 1112 (ii) shall consult with the Division of Water Resources for information and technical
1113 resources regarding regional water conservation goals, including how
1114 implementation of the land use element and water use and preservation element
1115 may affect the Great Salt Lake;
- 1116 (iii) shall notify the community water systems serving drinking water within the

- 1117 unincorporated portion of the county and request feedback from the community
1118 water systems about how implementation of the land use element and water use
1119 and preservation element may affect:
- 1120 (A) water supply planning, including drinking water source and storage capacity
1121 consistent with Section 19-4-114; and
- 1122 (B) water distribution planning, including master plans, infrastructure asset
1123 management programs and plans, infrastructure replacement plans, and impact
1124 fee facilities plans;
- 1125 (iv) shall consider the potential opportunities and benefits of planning for
1126 regionalization of public water systems;
- 1127 (v) shall consult with the Department of Agriculture and Food for information and
1128 technical resources regarding the potential benefits of agriculture conservation
1129 easements and potential implementation of agriculture water optimization projects
1130 that would support regional water conservation goals;
- 1131 (vi) shall notify an irrigation or canal company located in the county so that the
1132 irrigation or canal company can be involved in the protection and integrity of the
1133 irrigation or canal company's delivery systems;
- 1134 (vii) shall include a recommendation for:
- 1135 (A) water conservation policies to be determined by the county; and
1136 (B) landscaping options within a public street for current and future development
1137 that do not require the use of lawn or turf in a parkstrip;
- 1138 (viii) shall review the county's land use ordinances and include a recommendation for
1139 changes to an ordinance that promotes the inefficient use of water;
- 1140 (ix) shall consider principles of sustainable landscaping, including the:
- 1141 (A) reduction or limitation of the use of lawn or turf;
1142 (B) promotion of site-specific landscape design that decreases stormwater runoff
1143 or runoff of water used for irrigation;
1144 (C) preservation and use of healthy trees that have a reasonable water requirement
1145 or are resistant to dry soil conditions;
1146 (D) elimination or regulation of ponds, pools, and other features that promote
1147 unnecessary water evaporation;
1148 (E) reduction of yard waste; and
1149 (F) use of an irrigation system, including drip irrigation, best adapted to provide
1150 the optimal amount of water to the plants being irrigated;

- 1151 (x) may include recommendations for additional water demand reduction strategies,
1152 including:
- 1153 (A) creating a water budget associated with a particular type of development;
1154 (B) adopting new or modified lot size, configuration, and landscaping standards
1155 that will reduce water demand for new single family development;
1156 (C) providing one or more water reduction incentives for existing landscapes and
1157 irrigation systems and installation of water fixtures or systems that minimize
1158 water demand;
1159 (D) discouraging incentives for economic development activities that do not
1160 adequately account for water use or do not include strategies for reducing
1161 water demand; and
1162 (E) adopting water concurrency standards requiring that adequate water supplies
1163 and facilities are or will be in place for new development; and
1164 (xi) shall include a recommendation for low water use landscaping standards for a
1165 new:
- 1166 (A) commercial, industrial, or institutional development;
1167 (B) common interest community, as defined in Section 57-25-102; or
1168 (C) multifamily housing project.
- 1169 (3) The proposed general plan may include:
- 1170 (a) an environmental element that addresses:
- 1171 (i) to the extent not covered by the county's resource management plan, the
1172 protection, conservation, development, and use of natural resources, including the
1173 quality of:
- 1174 (A) air;
1175 (B) forests;
1176 (C) soils;
1177 (D) rivers;
1178 (E) groundwater and other waters;
1179 (F) harbors;
1180 (G) fisheries;
1181 (H) wildlife;
1182 (I) minerals; and
1183 (J) other natural resources; and
1184 (ii)(A) the reclamation of land, flood control, prevention and control of the

- 1185 pollution of streams and other waters;
- 1186 (B) the regulation of the use of land on hillsides, stream channels and other
- 1187 environmentally sensitive areas;
- 1188 (C) the prevention, control, and correction of the erosion of soils;
- 1189 (D) the preservation and enhancement of watersheds and wetlands; and
- 1190 (E) the mapping of known geologic hazards;
- 1191 (b) a public services and facilities element showing general plans for sewage, water,
- 1192 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for
- 1193 them, police and fire protection, and other public services;
- 1194 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 1195 programs for:
- 1196 (i) historic preservation;
- 1197 (ii) the diminution or elimination of a development impediment as defined in Section
- 1198 17C-1-102; and
- 1199 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 1200 public building sites;
- 1201 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 1202 economic development plan, which may include review of existing and projected
- 1203 county revenue and expenditures, revenue sources, identification of basic and
- 1204 secondary industry, primary and secondary market areas, employment, and retail
- 1205 sales activity;
- 1206 (e) recommendations for implementing all or any portion of the general plan, including
- 1207 the adoption of land and water use ordinances, capital improvement plans,
- 1208 community development and promotion, and any other appropriate action;
- 1209 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
- 1210 (3)(a)(i); and
- 1211 (g) any other element the county considers appropriate.

1212 Section 10. Section **17-27a-403.1** is enacted to read:

1213 **17-27a-403.1 . Affordable home ownership density bonus for single-family**
 1214 **residential units.**

1215 (1) As used in this section:

1216 (a) "Affordable housing" means the same as that term is defined in Section 10-9a-403.2.

1217 (b) "Owner-occupier" means the same as that term is defined in Section 10-9a-403.2.

1218 (2) If a county approves an unincorporated area to be developed at a minimum density of

- 1219 six residential units per acre, either through a zoning ordinance or a development
 1220 agreement, the county may:
- 1221 (a) adopt requirements to ensure:
- 1222 (i) that some or all of the residential units offered for sale in the area be
 1223 deed-restricted for at least five years to ensure owner-occupancy; or
- 1224 (ii) that some or all of the residential units in the area qualify as affordable housing;
 1225 and
- 1226 (b) approve an applicant's request for additional single-family residential units per acre
 1227 in the area in exchange for one or more of the following:
- 1228 (i) requiring at least 60% of the total single-family residential units being
 1229 deed-restricted to owner-occupancy for at least five years;
- 1230 (ii) requiring at least 25% of the total single-family residential units being offered for
 1231 sale to an owner-occupier at a price point 80% or less of the median county home
 1232 price for housing of that type;
- 1233 (iii) requiring at least 25% of the single-family residential units per acre to be no
 1234 larger than 1,600 square feet; or
- 1235 (iv) the applicant creating a preferential qualifying buyer program in which a
 1236 single-family residential unit is initially offered for sale, for up to 30 days, to a
 1237 category of preferred qualifying buyers established by the county, in accordance
 1238 with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.
- 1239 (3) A county may offer additional incentives in an area approved for single-family
 1240 residential units to promote owner-occupied, affordable housing.

1241 Section 11. Section **17-27a-403.2** is enacted to read:

1242 **17-27a-403.2 . Affordable home ownership density bonus for multi-family**
 1243 **residential units.**

- 1244 (1) As used in this section:
- 1245 (a) "Affordable housing" means the same as that term is defined in Section 10-9a-403.2.
 1246 (b) "Owner-occupier" means the same as that term is defined in Section 10-9a-403.2.
- 1247 (2) If a county approves an area to be developed at a minimum density of 20 residential
 1248 units per acre, either through a zoning ordinance or a development agreement, the
 1249 county may:
- 1250 (a) approve an applicant's request to build:
- 1251 (i) up to 20% more residential units per acre than otherwise allowed in the area, if the
 1252 residential units are intended for owner-occupiers; or

- 1253 (ii) one or more additional stories of height on a multi-family residential building
 1254 above the limit otherwise allowed, if the housing units in the multi-family
 1255 residential building are intended for owner-occupiers; and
- 1256 (b) if the county approves a request described in Subsection (2)(a), implement one or
 1257 more of the following requirements:
- 1258 (i) requiring at least 60% of the total units in the multi-family residential building
 1259 being deed-restricted to owner-occupancy for at least five years;
- 1260 (ii) requiring at least 25% of the total units in the multi-family residential building
 1261 being offered for sale to an owner-occupier at a price point 80% or less of the
 1262 median county home price for housing of that type;
- 1263 (iii) requiring at least 25% of the total units in a multi-family residential building to
 1264 be no larger than 1,600 square feet; or
- 1265 (iv) the applicant creating a preferential qualifying buyer program in which a unit in a
 1266 multi-family residential building is initially offered for sale, for up to 30 days, to a
 1267 category of preferred qualifying buyers established by the county, in accordance
 1268 with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.
- 1269 (3) A county may offer additional incentives in an area approved for multi-family
 1270 residential units to promote owner-occupied, affordable housing.

1271 Section 12. Section **17-27a-408** is amended to read:

1272 **17-27a-408 . Moderate income housing report -- Contents -- Prioritization for**
 1273 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

- 1274 (1) As used in this section:
- 1275 (a) "Division" means the Housing and Community Development Division within the
 1276 Department of Workforce Services.
- 1277 (b) "Implementation plan" means the implementation plan adopted as part of the
 1278 moderate income housing element of a specified county's general plan as provided in
 1279 Subsection 17-27a-403(2)(g).
- 1280 (c) "Initial report" means the one-time moderate income housing report described in
 1281 Subsection (2).
- 1282 (d) "Moderate income housing strategy" means a strategy described in Subsection
 1283 17-27a-403(2)(b)(ii).
- 1284 (e) "Report" means an initial report or a subsequent report.
- 1285 (f) "Specified county" means a county of the first, second, or third class, which has a
 1286 population of more than 5,000 in the county's unincorporated areas.

- 1287 (g) "Subsequent progress report" means the annual moderate income housing report
1288 described in Subsection (3).
- 1289 (2)(a) The legislative body of a specified county shall annually submit an initial report to
1290 the division.
- 1291 (b)(i) This Subsection (2)(b) applies to a county that is not a specified county as of
1292 January 1, 2023.
- 1293 (ii) As of January 1, if a county described in Subsection (2)(b)(i) changes from one
1294 class to another or grows in population to qualify as a specified county, the county
1295 shall submit an initial plan to the division on or before August 1 of the first
1296 calendar year beginning on January 1 in which the county qualifies as a specified
1297 county.
- 1298 (c) The initial report shall:
- 1299 (i) identify each moderate income housing strategy selected by the specified county
1300 for continued, ongoing, or one-time implementation, using the exact language
1301 used to describe the moderate income housing strategy in Subsection 17-27a-403
1302 (2)(b)(ii); and
- 1303 (ii) include an implementation plan.
- 1304 (3)(a) After the division approves a specified county's initial report under this section,
1305 the specified county shall, as an administrative act, annually submit to the division a
1306 subsequent progress report on or before August 1 of each year after the year in which
1307 the specified county is required to submit the initial report.
- 1308 (b) The subsequent progress report shall include:
- 1309 (i) subject to Subsection (3)(c), a description of each action, whether one-time or
1310 ongoing, taken by the specified county during the previous 12-month period to
1311 implement the moderate income housing strategies identified in the initial report
1312 for implementation;
- 1313 (ii) a description of each land use regulation or land use decision made by the
1314 specified county during the previous 12-month period to implement the moderate
1315 income housing strategies, including an explanation of how the land use
1316 regulation or land use decision supports the specified county's efforts to
1317 implement the moderate income housing strategies;
- 1318 (iii) a description of any barriers encountered by the specified county in the previous
1319 12-month period in implementing the moderate income housing strategies;
- 1320 (iv) the number of residential dwelling units that have been entitled that have not

- 1321 received a building permit as of the submission date of the progress report;
- 1322 (v) shapefiles, or website links if shapefiles are not available, to current maps and
1323 tables related to zoning;
- 1324 (vi) information regarding the number of internal and external or detached accessory
1325 dwelling units located within the specified county for which the specified county:
1326 (A) issued a building permit to construct; or
1327 (B) issued a business license or comparable license or permit to rent;
- 1328 (vii) a description of how the market has responded to the selected moderate income
1329 housing strategies, including the number of entitled moderate income housing
1330 units or other relevant data; and
- 1331 (viii) any recommendations on how the state can support the specified county in
1332 implementing the moderate income housing strategies.
- 1333 (c) For purposes of describing actions taken by a specified county under Subsection
1334 (3)(b)(i), the specified county may include an ongoing action taken by the specified
1335 county prior to the 12-month reporting period applicable to the subsequent progress
1336 report if the specified county:
- 1337 (i) has already adopted an ordinance, approved a land use application, made an
1338 investment, or approved an agreement or financing that substantially promotes the
1339 implementation of a moderate income housing strategy identified in the initial
1340 report; and
- 1341 (ii) demonstrates in the subsequent progress report that the action taken under
1342 Subsection (3)(c)(i) is relevant to making meaningful progress towards the
1343 specified county's implementation plan.
- 1344 (d) A specified county's report shall be in a form:
- 1345 (i) approved by the division; and
1346 (ii) made available by the division on or before May 1 of the year in which the report
1347 is required.
- 1348 (4) Within 90 days after the day on which the division receives a specified county's report,
1349 the division shall:
- 1350 (a) post the report on the division's website;
- 1351 (b) send a copy of the report to the Department of Transportation, the Governor's Office
1352 of Planning and Budget, the association of governments in which the specified
1353 county is located, and, if the unincorporated area of the specified county is located
1354 within the boundaries of a metropolitan planning organization, the appropriate

- 1355 metropolitan planning organization; and
- 1356 (c) subject to Subsection (5), review the report to determine compliance with this section.
- 1357 (5)(a) An initial report [~~does not comply~~] complies with this section [~~unless~~] if the report:
- 1358 (i) includes the information required under Subsection (2)(c);
- 1359 (ii) subject to Subsection (5)(c), demonstrates to the division that the specified county
- 1360 made plans to implement three or more moderate income housing strategies
- 1361 described in Subsection 17-27a-403(2)(b)(ii)(A) though (V) or at least one
- 1362 moderate income housing strategy described in Subsections
- 1363 17-27a-403(2)(b)(ii)(W) through (BB); and
- 1364 (iii) is in a form approved by the division.
- 1365 (b) A subsequent progress report [~~does not comply~~] complies with this section [~~unless~~] if
- 1366 the report:
- 1367 (i) subject to Subsection (5)(c), demonstrates to the division that the specified county
- 1368 made plans to implement or is implementing three or more moderate income
- 1369 housing strategies described in Subsection 17-27a-403(2)(b)(ii)(A) though (V) or
- 1370 at least one moderate income housing strategy described in Subsections
- 1371 17-27a-403(2)(b)(ii)(W) through (BB);
- 1372 (ii) is in a form approved by the division; and
- 1373 (iii) provides sufficient information for the division to:
- 1374 (A) assess the specified county's progress in implementing the moderate income
- 1375 housing strategies;
- 1376 (B) monitor compliance with the specified county's implementation plan;
- 1377 (C) identify a clear correlation between the specified county's land use decisions
- 1378 and efforts to implement the moderate income housing strategies;
- 1379 (D) identify how the market has responded to the specified county's selected
- 1380 moderate income housing strategies; and
- 1381 (E) identify any barriers encountered by the specified county in implementing the
- 1382 selected moderate income housing strategies.
- 1383 (c)(i) This Subsection (5)(c) applies to a specified county that has created a small
- 1384 public transit district, as defined in Section 17B-2a-802, on or before January 1,
- 1385 2022.
- 1386 (ii) [~~In addition to the requirements of Subsections (5)(a) and (b), a-~~] A report for a
- 1387 specified county described in Subsection (5)(c)(i) [~~does not comply~~] complies with
- 1388 this section [~~unless~~] if the report demonstrates to the division that the specified

- 1389 county:
- 1390 (A) made plans to implement the moderate income housing strategy described in
- 1391 Subsection [~~17-27a-403(2)(b)(ii)(Q)~~] 17-27a-403(2)(b)(ii)(W); [~~and~~]
- 1392 (B) made plans to implement or is implementing three or more moderate income
- 1393 housing strategies described in Subsection 17-27a-403(2)(b)(ii)(A) though (V)
- 1394 or at least one moderate income housing strategy described in Subsections
- 1395 17-27a-403(2)(b)(ii)(W) through (BB); and
- 1396 [~~B~~] (C) is in compliance with Subsection 63N-3-603(8).
- 1397 (d) If a specified county initial report or subsequent progress report demonstrates the
- 1398 county plans to implement or is implementing at least one moderate income housing
- 1399 strategy described in Subsections 17-27a-403(2)(b)(ii)(W) through (BB), the division
- 1400 shall also consider the specified county compliant with the reporting requirement
- 1401 described in this section for:
- 1402 (i) the year in which the specified county submits the report; and
- 1403 (ii) two subsequent reporting years.
- 1404 (6)(a) A specified county qualifies for priority consideration under this Subsection (6) if
- 1405 the specified county's report:
- 1406 (i) complies with this section; and
- 1407 (ii) demonstrates to the division that the specified county made plans to implement
- 1408 five or more moderate income housing strategies.
- 1409 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c),
- 1410 give priority consideration to transportation projects located within the
- 1411 unincorporated areas of a specified county described in Subsection (6)(a) until the
- 1412 Department of Transportation receives notice from the division under Subsection
- 1413 (6)(e).
- 1414 (c) Upon determining that a specified county qualifies for priority consideration under
- 1415 this Subsection (6), the division shall send a notice of prioritization to the legislative
- 1416 body of the specified county and the Department of Transportation.
- 1417 (d) The notice described in Subsection (6)(c) shall:
- 1418 (i) name the specified county that qualifies for priority consideration;
- 1419 (ii) describe the funds or projects for which the specified county qualifies to receive
- 1420 priority consideration; and
- 1421 (iii) state the basis for the division's determination that the specified county qualifies
- 1422 for priority consideration.

- 1423 (e) The division shall notify the legislative body of a specified county and the
1424 Department of Transportation in writing if the division determines that the specified
1425 county no longer qualifies for priority consideration under this Subsection (6).
- 1426 (7)(a) If the division, after reviewing a specified county's report, determines that the
1427 report does not comply with this section, the division shall send a notice of
1428 noncompliance to the legislative body of the specified county.
- 1429 (b) A specified county that receives a notice of noncompliance may:
- 1430 (i) cure each deficiency in the report within 90 days after the day on which the notice
1431 of noncompliance is sent; or
- 1432 (ii) request an appeal of the division's determination of noncompliance within 10
1433 days after the day on which the notice of noncompliance is sent.
- 1434 (c) The notice described in Subsection (7)(a) shall:
- 1435 (i) describe each deficiency in the report and the actions needed to cure each
1436 deficiency;
- 1437 (ii) state that the specified county has an opportunity to:
- 1438 (A) submit to the division a corrected report that cures each deficiency in the
1439 report within 90 days after the day on which the notice of noncompliance is
1440 sent; or
- 1441 (B) submit to the division a request for an appeal of the division's determination of
1442 noncompliance within 10 days after the day on which the notice of
1443 noncompliance is sent; and
- 1444 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the
1445 specified county's ineligibility for funds and fees owed under Subsection (9).
- 1446 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the
1447 action needed to cure the deficiency as described by the division requires the
1448 specified county to make a legislative change, the specified county may cure the
1449 deficiency by making that legislative change within the 90-day cure period.
- 1450 (e)(i) If a specified county submits to the division a corrected report in accordance
1451 with Subsection (7)(b)(i), and the division determines that the corrected report
1452 does not comply with this section, the division shall send a second notice of
1453 noncompliance to the legislative body of the specified county.
- 1454 (ii) A specified county that receives a second notice of noncompliance may request
1455 an appeal of the division's determination of noncompliance within 10 days after
1456 the day on which the second notice of noncompliance is sent.

- 1457 (iii) The notice described in Subsection (7)(e)(i) shall:
- 1458 (A) state that the specified county has an opportunity to submit to the division a
- 1459 request for an appeal of the division's determination of noncompliance within
- 1460 10 days after the day on which the second notice of noncompliance is sent; and
- 1461 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the
- 1462 specified county's ineligibility for funds under Subsection (9).
- 1463 (8)(a) A specified county that receives a notice of noncompliance under Subsection
- 1464 (7)(a) or (7)(e)(i) may request an appeal of the division's determination of
- 1465 noncompliance within 10 days after the day on which the notice of noncompliance is
- 1466 sent.
- 1467 (b) Within 90 days after the day on which the division receives a request for an appeal,
- 1468 an appeal board consisting of the following three members shall review and issue a
- 1469 written decision on the appeal:
- 1470 (i) one individual appointed by the Utah Association of Counties;
- 1471 (ii) one individual appointed by the Utah Homebuilders Association; and
- 1472 (iii) one individual appointed by the presiding member of the association of
- 1473 governments, established pursuant to an interlocal agreement under Title 11,
- 1474 Chapter 13, Interlocal Cooperation Act, of which the specified county is a member.
- 1475 (c) The written decision of the appeal board shall either uphold or reverse the division's
- 1476 determination of noncompliance.
- 1477 (d) The appeal board's written decision on the appeal is final.
- 1478 (9)(a) A specified county is ineligible for funds and owes a fee under this Subsection (9)
- 1479 if:
- 1480 (i) the specified county fails to submit a report to the division;
- 1481 (ii) after submitting a report to the division, the division determines that the report
- 1482 does not comply with this section and the specified county fails to:
- 1483 (A) cure each deficiency in the report within 90 days after the day on which the
- 1484 notice of noncompliance is sent; or
- 1485 (B) request an appeal of the division's determination of noncompliance within 10
- 1486 days after the day on which the notice of noncompliance is sent;
- 1487 (iii) after submitting to the division a corrected report to cure the deficiencies in a
- 1488 previously submitted report, the division determines that the corrected report does
- 1489 not comply with this section and the specified county fails to request an appeal of
- 1490 the division's determination of noncompliance within 10 days after the day on

- 1491 which the second notice of noncompliance is sent; or
- 1492 (iv) after submitting a request for an appeal under Subsection (8), the appeal board
- 1493 issues a written decision upholding the division's determination of noncompliance.
- 1494 (b) The following apply to a specified county described in Subsection (9)(a) until the
- 1495 division provides notice under Subsection (9)(e):
- 1496 (i) the executive director of the Department of Transportation may not program funds
- 1497 from the Transportation Investment Fund of 2005, including the Transit
- 1498 Transportation Investment Fund, to projects located within the unincorporated
- 1499 areas of the specified county in accordance with Subsection 72-2-124(6);
- 1500 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee
- 1501 to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the
- 1502 specified county:
- 1503 (A) fails to submit the report to the division in accordance with this section,
- 1504 beginning the day after the day on which the report was due; or
- 1505 (B) fails to cure the deficiencies in the report, beginning the day after the day by
- 1506 which the cure was required to occur as described in the notice of
- 1507 noncompliance under Subsection (7); and
- 1508 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee
- 1509 to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the
- 1510 specified county, for a consecutive year:
- 1511 (A) fails to submit the report to the division in accordance with this section,
- 1512 beginning the day after the day on which the report was due; or
- 1513 (B) fails to cure the deficiencies in the report, beginning the day after the day by
- 1514 which the cure was required to occur as described in the notice of
- 1515 noncompliance under Subsection (7).
- 1516 (c) Upon determining that a specified county is ineligible for funds under this
- 1517 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the
- 1518 division shall send a notice of ineligibility to the legislative body of the specified
- 1519 county, the Department of Transportation, the State Tax Commission, and the
- 1520 Governor's Office of Planning and Budget.
- 1521 (d) The notice described in Subsection (9)(c) shall:
- 1522 (i) name the specified county that is ineligible for funds;
- 1523 (ii) describe the funds for which the specified county is ineligible to receive;
- 1524 (iii) describe the fee the specified county is required to pay under Subsection (9)(b),

- 1525 if applicable; and
- 1526 (iv) state the basis for the division's determination that the specified county is
- 1527 ineligible for funds.
- 1528 (e) The division shall notify the legislative body of a specified county and the
- 1529 Department of Transportation in writing if the division determines that the provisions
- 1530 of this Subsection (9) no longer apply to the specified county.
- 1531 (f) The division may not determine that a specified county that is required to pay a fee
- 1532 under Subsection (9)(b) is in compliance with the reporting requirements of this
- 1533 section until the specified county pays all outstanding fees required under Subsection
- 1534 (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8,
- 1535 Part 5, Olene Walker Housing Loan Fund.
- 1536 (10) In a civil action seeking enforcement or claiming a violation of this section or of
- 1537 Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded
- 1538 only injunctive or other equitable relief.

1539 Section 13. Section **17-27a-531** is amended to read:

1540 **17-27a-531 . Moderate income housing.**

- 1541 (1) A county may only require the development of a certain number of moderate income
- 1542 housing units as a condition of approval of a land use application if:
- 1543 (a) the county and the applicant enter into a written agreement regarding the number of
- 1544 moderate income housing units;[-or]
- 1545 (b) the county provides incentives for an applicant who agrees to include moderate
- 1546 income housing units in a development[-] ; or
- 1547 (c) the county offers or approves, and an applicant accepts, an incentive described in
- 1548 Section 17-27a-403.1 or 17-27a-403.2.
- 1549 (2) If an applicant does not agree to participate in the development of moderate income
- 1550 housing units under Subsection (1)(a) or (b), a county may not take into consideration
- 1551 the applicant's decision in the county's determination of whether to approve or deny a
- 1552 land use application.
- 1553 (3) Notwithstanding Subsections (1) and (2), a county of the third class, which has a ski
- 1554 resort located within the unincorporated area of the county, may require the
- 1555 development of a certain number of moderate income housing units as a condition of
- 1556 approval of a land use application if the requirement is in accordance with an ordinance
- 1557 enacted by the county before January 1, 2022.

1558 Section 14. Section **17B-1-202** is amended to read:

1559 **17B-1-202 . Special district may be created -- Services that may be provided --**

1560 **Limitations.**

1561 (1)(a) A special district may be created as provided in this part to provide within its

1562 boundaries service consisting of:

1563 (i) the operation of an airport;

1564 (ii) the operation of a cemetery;

1565 (iii) fire protection, paramedic, and emergency services, including consolidated 911
1566 and emergency dispatch services;

1567 (iv) garbage collection and disposal;

1568 (v) health care, including health department or hospital service;

1569 (vi) the operation of a library;

1570 (vii) abatement or control of mosquitos and other insects;

1571 (viii) the operation of parks or recreation facilities or services;

1572 (ix) the operation of a sewage system;

1573 (x) the operation of a propane system;

1574 [~~(x)~~] (xi) the construction and maintenance of a right-of-way, including:

1575 (A) a curb;

1576 (B) a gutter;

1577 (C) a sidewalk;

1578 (D) a street;

1579 (E) a road;

1580 (F) a water line;

1581 (G) a sewage line;

1582 (H) a storm drain;

1583 (I) an electricity line;

1584 (J) a communications line;

1585 (K) a natural gas line; or

1586 (L) street lighting;

1587 [~~(xi)~~] (xii) transportation, including public transit and providing streets and roads;

1588 [~~(xii)~~] (xiii) the operation of a system, or one or more components of a system, for the

1589 collection, storage, retention, control, conservation, treatment, supplying,

1590 distribution, or reclamation of water, including storm, flood, sewage, irrigation,

1591 and culinary water, whether the system is operated on a wholesale or retail level

1592 or both;

- 1593 [~~(xiii)~~] (xiv) in accordance with Subsection (1)(c), the acquisition or assessment of a
 1594 groundwater right for the development and execution of a groundwater
 1595 management plan in cooperation with and approved by the state engineer in
 1596 accordance with Section 73-5-15;
 1597 [~~(xiv)~~] (xv) law enforcement service;
 1598 [~~(xv)~~] (xvi) subject to Subsection (1)(b), the underground installation of an electric
 1599 utility line or the conversion to underground of an existing electric utility line;
 1600 [~~(xvi)~~] (xvii) the control or abatement of earth movement or a landslide;
 1601 [~~(xvii)~~] (xviii) the operation of animal control services and facilities;
 1602 [~~(xviii)~~] (xix) an energy efficiency upgrade, a clean energy system, or electric vehicle
 1603 charging infrastructure as defined in Section 11-42a-102, in accordance with Title
 1604 11, Chapter 42a, Commercial Property Assessed Clean Energy Act; or
 1605 [~~(xix)~~] (xx) the financing of infrastructure, as provided in Chapter 2a, Part 13,
 1606 Infrastructure Financing Districts.
- 1607 (b) Each special district that provides the service of the underground installation of an
 1608 electric utility line or the conversion to underground of an existing electric utility line
 1609 shall, in installing or converting the line, provide advance notice to and coordinate
 1610 with the utility that owns the line.
- 1611 (c) A groundwater management plan described in Subsection [~~(+)(a)(xiii)~~] (1)(a)(xiv)
 1612 may include the banking of groundwater rights by a special district in a critical
 1613 management area as defined in Section 73-5-15 following the adoption of a
 1614 groundwater management plan by the state engineer under Section 73-5-15.
- 1615 (i) A special district may manage the groundwater rights it acquires under Subsection
 1616 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater
 1617 management plan described in this Subsection (1)(c).
- 1618 (ii) A groundwater right held by a special district to satisfy the provisions of a
 1619 groundwater management plan is not subject to the forfeiture provisions of
 1620 Section 73-1-4.
- 1621 (iii)(A) A special district may divest itself of a groundwater right subject to a
 1622 determination that the groundwater right is not required to facilitate the
 1623 groundwater management plan described in this Subsection (1)(c).
- 1624 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to
 1625 Section 73-1-4 beginning on the date of divestiture.
- 1626 (iv) Upon a determination by the state engineer that an area is no longer a critical

- 1627 management area as defined in Section 73-5-15, a groundwater right held by the
1628 special district is subject to Section 73-1-4.
- 1629 (v) A special district created in accordance with Subsection [~~(1)(a)(xiii)~~] (1)(a)(xiv) to
1630 develop and execute a groundwater management plan may hold or acquire a right
1631 to surface waters that are naturally tributary to the groundwater basin subject to
1632 the groundwater management plan if the surface waters are appropriated in
1633 accordance with Title 73, Water and Irrigation, and used in accordance with Title
1634 73, Chapter 3b, Groundwater Recharge and Recovery Act.
- 1635 (2) As used in this section:
- 1636 (a) "Operation" means all activities involved in providing the indicated service including
1637 acquisition and ownership of property reasonably necessary to provide the indicated
1638 service and acquisition, construction, and maintenance of facilities and equipment
1639 reasonably necessary to provide the indicated service.
- 1640 (b) "System" means the aggregate of interrelated components that combine together to
1641 provide the indicated service including, for a sewage system, collection and treatment.
- 1642 (3)(a) A special district may not be created to provide and may not after its creation
1643 provide more than four of the services listed in Subsection (1).
- 1644 (b) Subsection (3)(a) may not be construed to prohibit a special district from providing
1645 more than four services if, before April 30, 2007, the special district was authorized
1646 to provide those services.
- 1647 (4)(a) Except as provided in Subsection (4)(b), a special district may not be created to
1648 provide and may not after its creation provide to an area the same service that may
1649 already be provided to that area by another political subdivision, unless the other
1650 political subdivision gives its written consent.
- 1651 (b) For purposes of Subsection (4)(a), a special district does not provide the same
1652 service as another political subdivision if it operates a component of a system that is
1653 different from a component operated by another political subdivision but within the
1654 same:
- 1655 (i) sewage system; or
1656 (ii) water system.
- 1657 (5)(a) Except for a special district in the creation of which an election is not required
1658 under Subsection 17B-1-214(3)(d), the area of a special district may include all or
1659 part of the unincorporated area of one or more counties and all or part of one or more
1660 municipalities.

- 1661 (b) The area of a special district need not be contiguous.
- 1662 (6) For a special district created before May 5, 2008, the authority to provide fire protection
1663 service also includes the authority to provide:
- 1664 (a) paramedic service; and
1665 (b) emergency service, including hazardous materials response service.
- 1666 (7) A special district created before May 11, 2010, authorized to provide the construction
1667 and maintenance of curb, gutter, or sidewalk may provide a service described in
1668 Subsection [~~(1)(a)(x)~~] (1)(a)(xi) on or after May 11, 2010.
- 1669 (8) A special district created before May 10, 2011, authorized to provide culinary,
1670 irrigation, sewage, or storm water services may provide a service described in
1671 Subsection [~~(1)(a)(xii)~~] (1)(a)(xiii) on or after May 10, 2011.
- 1672 (9) A special district may not be created under this chapter for two years after the date on
1673 which a special district is dissolved as provided in Section 17B-1-217 if the special
1674 district proposed for creation:
- 1675 (a) provides the same or a substantially similar service as the dissolved special district;
1676 and
1677 (b) is located in substantially the same area as the dissolved special district.
- 1678 (10) An infrastructure financing district may not be created unless the estimated cost of the
1679 public infrastructure and improvements to be constructed within the boundary of the
1680 proposed infrastructure financing district exceeds \$1,000,000, as certified under
1681 Subsection 17B-1-208(1)(c).
- 1682 (11)(a) Except as provided in Subsection (11)(b), the inclusion of an area within an
1683 infrastructure financing district does not affect whether the area may be included
1684 within another special district.
- 1685 (b) An infrastructure financing district may not include an area included within another
1686 infrastructure financing district.
- 1687 Section 15. Section **35A-8-202** is amended to read:
1688 **35A-8-202 . Powers and duties of division.**
- 1689 (1) The division shall:
- 1690 (a) assist local governments and citizens in the planning, development, and maintenance
1691 of necessary public infrastructure and services;
- 1692 (b) cooperate with, and provide technical assistance to, counties, cities, towns, regional
1693 planning commissions, area-wide clearinghouses, zoning commissions, parks or
1694 recreation boards, community development groups, community action agencies, and

- 1695 other agencies created for the purpose of aiding and encouraging an orderly,
1696 productive, and coordinated development of the state and its political subdivisions;
- 1697 (c) assist the governor in coordinating the activities of state agencies which have an
1698 impact on the solution of community development problems and the implementation
1699 of community plans;
- 1700 (d) serve as a clearinghouse for information, data, and other materials which may be
1701 helpful to local governments in discharging their responsibilities and provide
1702 information on available federal and state financial and technical assistance;
- 1703 (e) carry out continuing studies and analyses of the problems faced by communities
1704 within the state and develop such recommendations for administrative or legislative
1705 action as appear necessary;
- 1706 (f) assist in funding affordable housing;
- 1707 (g) support economic development activities through grants, loans, and direct programs
1708 financial assistance;
- 1709 (h) certify project funding at the local level in conformance with federal, state, and other
1710 requirements;
- 1711 (i) utilize the capabilities and facilities of public and private universities and colleges
1712 within the state in carrying out its functions; and
- 1713 (j) assist and support local governments, community action agencies, and citizens in the
1714 planning, development, and maintenance of home weatherization, energy efficiency,
1715 and antipoverty activities.
- 1716 (2) The division may:
- 1717 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
1718 Procedures Act, seek federal grants, loans, or participation in federal programs;
- 1719 (b) if any federal program requires the expenditure of state funds as a condition to
1720 participation by the state in any fund, property, or service, with the governor's
1721 approval, expend whatever funds are necessary out of the money provided by the
1722 Legislature for the use of the department;
- 1723 (c) in accordance with Part 9, Domestic Violence Shelters, assist in developing,
1724 constructing, and improving shelters for victims of domestic violence, as described in
1725 Section 77-36-1, through loans and grants to nonprofit and governmental entities;[
1726 and]
- 1727 (d) assist, when requested by a county or municipality, in the development of accessible
1728 housing[-] ; and

- 1729 (e) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
1730 Rulemaking Act, regarding the form and content of a moderate income housing
1731 report, as described in Sections 10-9a-408 and 17-27a-408, to:
1732 (i) ensure consistency across reporting political subdivisions; and
1733 (ii) promote better potential analysis of report data.
- 1734 Section 16. Section **63J-4-402** is enacted to read:
1735 **63J-4-402 . State housing plan.**
- 1736 (1) The office shall develop a state housing plan by December 31, 2025.
1737 (2)(a) The office shall partner with the Legislature, municipal and county governments,
1738 the home building industry and related stakeholders, and the general public in the
1739 development of the state housing plan described in Subsection (1).
1740 (b) In developing the state housing plan, the office may develop regional housing plans
1741 within the state housing plan.
- 1742 (3) The state housing plan shall:
1743 (a) prioritize collaboration over preemption and collaboration across private and public
1744 sectors;
1745 (b) promote a holistic and regional approach to housing;
1746 (c) enable connected communities and center-based development;
1747 (d) acknowledge cross-issue policy alignment;
1748 (e) maintain a long-range vision;
1749 (f) promote opportunity and inclusivity;
1750 (g) recognize complex market forces; and
1751 (h) consider rural and urban contexts.
- 1752 (4) The state housing plan shall include data and metrics:
1753 (a) about actual and potential housing production;
1754 (b) about actual and potential infrastructure capacity, maintenance, and development; and
1755 (c) allowing the office to measure success of the state housing plan over time.
- 1756 (5) In gathering data and developing metrics, the office may analyze moderate income
1757 housing reports received by the Division of Housing and Community Development and:
1758 (a) determine which, if any, of the moderate income strategies described in Subsections
1759 10-9a-403(2)(b)(iii) and 17-27a-403(2)(b)(ii) are correlated with an increase in the
1760 supply of moderate income housing, either built or entitled to be built, in the political
1761 subdivision that implements the moderate income strategy; and
1762 (b) draw conclusions regarding any data trends identified by the office as meaningful or

1763 significant.

1764 (6) By no later than October 1 of each year, the office shall provide a written report on the
 1765 development and implementation of the state housing plan to the Political Subdivisions
 1766 Interim Committee.

1767 Section 17. Section **72-1-304** is amended to read:

1768 **72-1-304 . Written project prioritization process for new transportation capacity**
 1769 **projects -- Rulemaking.**

1770 (1)(a) The Transportation Commission, in consultation with the department and the
 1771 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a
 1772 written prioritization process for the prioritization of:

- 1773 (i) new transportation capacity projects that are or will be part of the state highway
 1774 system under Chapter 4, Part 1, State Highways;
- 1775 (ii) paved pedestrian or paved nonmotorized transportation projects described in
 1776 Section 72-2-124;
- 1777 (iii) public transit projects that directly add capacity to the public transit systems
 1778 within the state, not including facilities ancillary to the public transit system; and
- 1779 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
 1780 public transit system.

1781 (b)(i) A local government or public transit district may nominate a project for
 1782 prioritization in accordance with the process established by the commission in rule.

1783 (ii) If a local government or public transit district nominates a project for
 1784 prioritization by the commission, the local government or public transit district
 1785 shall provide data and evidence to show that:

- 1786 (A) the project will advance the purposes and goals described in Section 72-1-211;
- 1787 (B) for a public transit project, the local government or public transit district has
 1788 an ongoing funding source for operations and maintenance of the proposed
 1789 development; and
- 1790 (C) the local government or public transit district will provide the percentage of
 1791 the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or
 1792 72-2-124(9)(e).

1793 (2) The following shall be included in the written prioritization process under Subsection
 1794 (1):

1795 (a) a description of how the strategic initiatives of the department adopted under Section
 1796 72-1-211 are advanced by the written prioritization process;

- 1797 (b) a definition of the type of projects to which the written prioritization process applies;
1798 (c) specification of a weighted criteria system that is used to rank proposed projects and
1799 how it will be used to determine which projects will be prioritized;
1800 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
1801 (e) any other provisions the commission considers appropriate, which may include
1802 consideration of:
- 1803 (i) regional and statewide economic development impacts, including improved local
1804 access to:
 - 1805 (A) employment;
 - 1806 (B) educational facilities;
 - 1807 (C) recreation;
 - 1808 (D) commerce; and
 - 1809 (E) residential areas, including moderate income housing as demonstrated in the
1810 local government's or public transit district's general plan pursuant to Section
1811 10-9a-403 or 17-27a-403;
 - 1812 (ii) the extent to which local land use plans relevant to a project support and
1813 accomplish the strategic initiatives adopted under Section 72-1-211; and
 - 1814 (iii) any matching funds provided by a political subdivision or public transit district
1815 in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii)
1816 and 72-2-124(9)(e).
- 1817 (3)(a) When prioritizing a public transit project that increases capacity, the commission:
- 1818 (i) may give priority consideration to projects that are part of a transit-oriented
1819 development or transit-supportive development as defined in Section 17B-2a-802;
1820 and
 - 1821 (ii) shall give priority consideration to projects that are within the boundaries of a
1822 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3,
1823 Part 6, Housing and Transit Reinvestment Zone Act.
- 1824 (b) When prioritizing a transportation project that increases capacity, the commission
1825 may give priority consideration to projects that are:
- 1826 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
 - 1827 (A) the state is a participant in the transportation reinvestment zone; or
 - 1828 (B) the commission finds that the transportation reinvestment zone provides a
1829 benefit to the state transportation system; or
 - 1830 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant

- 1831 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 1832 (c) If the department receives a notice of prioritization for a municipality as described in
 1833 Subsection [~~10-9a-408(5)~~] 10-9a-408(6), or a notice of prioritization for a county as
 1834 described in Subsection [~~17-27a-408(5)~~] 17-27a-408(6), the commission may give
 1835 priority consideration to transportation projects that are within the boundaries of the
 1836 municipality or the unincorporated areas of the county until the department receives
 1837 notification from the Housing and Community Development Division within the
 1838 Department of Workforce Services that the municipality or county no longer qualifies
 1839 for prioritization under this Subsection (3)(c).
- 1840 (4) In developing the written prioritization process, the commission:
- 1841 (a) shall seek and consider public comment by holding public meetings at locations
 1842 throughout the state; and
- 1843 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
 1844 the state provides an equal opportunity to raise local matching dollars for state
 1845 highway improvements within each county.
- 1846 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 1847 Transportation Commission, in consultation with the department, shall make rules
 1848 establishing the written prioritization process under Subsection (1).
- 1849 (6) The commission shall submit the proposed rules under this section to a committee or
 1850 task force designated by the Legislative Management Committee for review prior to
 1851 taking final action on the proposed rules or any proposed amendment to the rules
 1852 described in Subsection (5).
- 1853 Section 18. Section **72-2-124** is amended to read:
- 1854 **72-2-124 . Transportation Investment Fund of 2005.**
- 1855 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
 1856 2005.
- 1857 (2) The fund consists of money generated from the following sources:
- 1858 (a) any voluntary contributions received for the maintenance, construction,
 1859 reconstruction, or renovation of state and federal highways;
- 1860 (b) appropriations made to the fund by the Legislature;
- 1861 (c) registration fees designated under Section 41-1a-1201;
- 1862 (d) the sales and use tax revenues deposited into the fund in accordance with Section
 1863 59-12-103; and
- 1864 (e) revenues transferred to the fund in accordance with Section 72-2-106.

- 1865 (3)(a) The fund shall earn interest.
- 1866 (b) All interest earned on fund money shall be deposited into the fund.
- 1867 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
1868 money to pay:
- 1869 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1870 federal highways prioritized by the Transportation Commission through the
1871 prioritization process for new transportation capacity projects adopted under
1872 Section 72-1-304;
 - 1873 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
1874 highway projects described in Subsections 63B-18-401(2), (3), and (4);
 - 1875 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
1876 minus the costs paid from the County of the First Class Highway Projects Fund in
1877 accordance with Subsection 72-2-121(4)(e);
 - 1878 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
1879 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
1880 amount certified by Salt Lake County in accordance with Subsection 72-2-121.3
1881 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds
1882 issued by Salt Lake County;
 - 1883 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
1884 for projects prioritized in accordance with Section 72-2-125;
 - 1885 (vi) all highway general obligation bonds that are intended to be paid from revenues
1886 in the Centennial Highway Fund created by Section 72-2-118;
 - 1887 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
1888 Class Highway Projects Fund created in Section 72-2-121 to be used for the
1889 purposes described in Section 72-2-121;
 - 1890 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
1891 the costs needed for construction, reconstruction, or renovation of paved
1892 pedestrian or paved nonmotorized transportation for projects that:
 - 1893 (A) mitigate traffic congestion on the state highway system;
 - 1894 (B) are part of an active transportation plan approved by the department; and
 - 1895 (C) are prioritized by the commission through the prioritization process for new
1896 transportation capacity projects adopted under Section 72-1-304;
 - 1897 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
1898 reconstruction, or renovation of or improvement to the following projects:

- 1899 (A) the connector road between Main Street and 1600 North in the city of
 1900 Vineyard;
- 1901 (B) Geneva Road from University Parkway to 1800 South;
- 1902 (C) the SR-97 interchange at 5600 South on I-15;
- 1903 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
 1904 South Jordan Parkway;
- 1905 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 1906 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 1907 (G) widening I-15 between mileposts 6 and 8;
- 1908 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 1909 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
 1910 in Spanish Fork Canyon;
- 1911 (J) I-15 northbound between mileposts 43 and 56;
- 1912 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
 1913 43 and 45.1;
- 1914 (L) east Zion SR-9 improvements;
- 1915 (M) Toquerville Parkway;
- 1916 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 1917 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
 1918 for construction of an interchange on Bangerter Highway at 13400 South; and
- 1919 (P) an environmental impact study for Kimball Junction in Summit County; and
- 1920 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
 1921 costs based upon a statement of cash flow that the local jurisdiction where the
 1922 project is located provides to the department demonstrating the need for money
 1923 for the project, for the following projects in the following amounts:
- 1924 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 1925 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 1926 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 1927 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
 1928 40 between mile markers 7 and 10.
- 1929 (b) The executive director may use fund money to exchange for an equal or greater
 1930 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 1931 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
 1932 not commence until a right-of-way not owned by a federal agency that is required

1933 for the realignment and extension of U-111, as described in the department's 2023
1934 environmental study related to the project, is dedicated to the department.

1935 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
1936 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
1937 department may proceed with the project, except that the project will be limited to
1938 two lanes on U-111 from Herriman Parkway to 11800 South.

1939 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
1940 ineligibility for a municipality as described in Subsection [~~10-9a-408(7)~~] 10-9a-408(9),
1941 the executive director may not program fund money to a project prioritized by the
1942 commission under Section 72-1-304, including fund money from the Transit
1943 Transportation Investment Fund, within the boundaries of the municipality until the
1944 department receives notification from the Housing and Community Development
1945 Division within the Department of Workforce Services that ineligibility under this
1946 Subsection (5) no longer applies to the municipality.

1947 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
1948 director:

1949 (i) may program fund money in accordance with Subsection (4)(a) for a
1950 limited-access facility or interchange connecting limited-access facilities;

1951 (ii) may not program fund money for the construction, reconstruction, or renovation
1952 of an interchange on a limited-access facility;

1953 (iii) may program Transit Transportation Investment Fund money for a
1954 multi-community fixed guideway public transportation project; and

1955 (iv) may not program Transit Transportation Investment Fund money for the
1956 construction, reconstruction, or renovation of a station that is part of a fixed
1957 guideway public transportation project.

1958 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
1959 director before July 1, 2022, for projects prioritized by the commission under Section
1960 72-1-304.

1961 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
1962 ineligibility for a county as described in Subsection [~~17-27a-408(7)~~] 17-27a-408(9),
1963 the executive director may not program fund money to a project prioritized by the
1964 commission under Section 72-1-304, including fund money from the Transit
1965 Transportation Investment Fund, within the boundaries of the unincorporated area of
1966 the county until the department receives notification from the Housing and

- 1967 Community Development Division within the Department of Workforce Services
 1968 that ineligibility under this Subsection (6) no longer applies to the county.
- 1969 (b) Within the boundaries of the unincorporated area of a county described in Subsection
 1970 (6)(a), the executive director:
- 1971 (i) may program fund money in accordance with Subsection (4)(a) for a
 1972 limited-access facility to a project prioritized by the commission under Section
 1973 72-1-304;
- 1974 (ii) may not program fund money for the construction, reconstruction, or renovation
 1975 of an interchange on a limited-access facility;
- 1976 (iii) may program Transit Transportation Investment Fund money for a
 1977 multi-community fixed guideway public transportation project; and
- 1978 (iv) may not program Transit Transportation Investment Fund money for the
 1979 construction, reconstruction, or renovation of a station that is part of a fixed
 1980 guideway public transportation project.
- 1981 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
 1982 director before July 1, 2022, for projects prioritized by the commission under Section
 1983 72-1-304.
- 1984 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
 1985 any fiscal year, the department and the commission shall appear before the Executive
 1986 Appropriations Committee of the Legislature and present the amount of bond
 1987 proceeds that the department needs to provide funding for the projects identified in
 1988 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
 1989 or next fiscal year.
- 1990 (b) The Executive Appropriations Committee of the Legislature shall review and
 1991 comment on the amount of bond proceeds needed to fund the projects.
- 1992 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
 1993 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
 1994 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
 1995 service or sinking fund.
- 1996 (9)(a) There is created in the Transportation Investment Fund of 2005 the Transit
 1997 Transportation Investment Fund.
- 1998 (b) The fund shall be funded by:
- 1999 (i) contributions deposited into the fund in accordance with Section 59-12-103;
 2000 (ii) appropriations into the account by the Legislature;

- 2001 (iii) deposits of sales and use tax increment related to a housing and transit
2002 reinvestment zone as described in Section 63N-3-610;
- 2003 (iv) transfers of local option sales and use tax revenue as described in Subsection
2004 59-12-2220(11)(b) or (c);
- 2005 (v) private contributions; and
- 2006 (vi) donations or grants from public or private entities.
- 2007 (c)(i) The fund shall earn interest.
- 2008 (ii) All interest earned on fund money shall be deposited into the fund.
- 2009 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:
- 2010 (i) for public transit capital development of new capacity projects and fixed guideway
2011 capital development projects to be used as prioritized by the commission through
2012 the prioritization process adopted under Section 72-1-304;
- 2013 (ii) to the department for oversight of a fixed guideway capital development project
2014 for which the department has responsibility; or
- 2015 (iii) up to \$500,000 per year, to be used for a public transit study.
- 2016 (e)(i) Subject to Subsections (9)(g), (h), and (i), the commission may only prioritize
2017 money from the fund for a public transit capital development project or pedestrian
2018 or nonmotorized transportation project that provides connection to the public
2019 transit system if the public transit district or political subdivision provides funds of
2020 equal to or greater than 30% of the costs needed for the project.
- 2021 (ii) A public transit district or political subdivision may use money derived from a
2022 loan granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank
2023 Fund, to provide all or part of the 30% requirement described in Subsection
2024 (9)(e)(i) if:
- 2025 (A) the loan is approved by the commission as required in Title 72, Chapter 2,
2026 Part 2, State Infrastructure Bank Fund; and
- 2027 (B) the proposed capital project has been prioritized by the commission pursuant
2028 to Section 72-1-303.
- 2029 (f) Before July 1, 2022, the department and a large public transit district shall enter into
2030 an agreement for a large public transit district to pay the department \$5,000,000 per
2031 year for 15 years to be used to facilitate the purchase of zero emissions or low
2032 emissions rail engines and trainsets for regional public transit rail systems.
- 2033 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
- 2034 (i) the commission may prioritize money from the fund for public transit projects,

- 2035 operations, or maintenance within the county of the first class; and
- 2036 (ii) Subsection (9)(e) does not apply.
- 2037 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
- 2038 (i) the commission may prioritize public transit projects, operations, or maintenance
- 2039 in the county from which the revenue was generated; and
- 2040 (ii) Subsection (9)(e) does not apply.
- 2041 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
- 2042 the project described in Subsection (9)(e) does not apply to a public transit capital
- 2043 development project or pedestrian or nonmotorized transportation project that the
- 2044 department proposes.
- 2045 (j) In accordance with Part 3, Public Transit Innovation Grants, the commission may
- 2046 prioritize money from the fund for public transit innovation grants, as defined in
- 2047 Section 72-2-401, for public transit capital development projects requested by a
- 2048 political subdivision within a public transit district.
- 2049 (10)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood
- 2050 Canyons Transportation Investment Fund.
- 2051 (b) The fund shall be funded by:
- 2052 (i) money deposited into the fund in accordance with Section 59-12-103;
- 2053 (ii) appropriations into the account by the Legislature;
- 2054 (iii) private contributions; and
- 2055 (iv) donations or grants from public or private entities.
- 2056 (c)(i) The fund shall earn interest.
- 2057 (ii) All interest earned on fund money shall be deposited into the fund.
- 2058 (d) The Legislature may appropriate money from the fund for public transit or
- 2059 transportation projects in the Cottonwood Canyons of Salt Lake County.
- 2060 (e) The department may use up to 2% of the revenue deposited into the account under
- 2061 Subsection 59-12-103(7)(b) to contract with local governments as necessary for
- 2062 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.
- 2063 (11)(a) There is created in the Transportation Investment Fund of 2005 the Active
- 2064 Transportation Investment Fund.
- 2065 (b) The fund shall be funded by:
- 2066 (i) money deposited into the fund in accordance with Section 59-12-103;
- 2067 (ii) appropriations into the account by the Legislature; and
- 2068 (iii) donations or grants from public or private entities.

- 2069 (c)(i) The fund shall earn interest.
- 2070 (ii) All interest earned on fund money shall be deposited into the fund.
- 2071 (d) The executive director may only use fund money to pay the costs needed for:
- 2072 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
- 2073 paved pedestrian or paved nonmotorized trail projects that:
- 2074 (A) are prioritized by the commission through the prioritization process for new
- 2075 transportation capacity projects adopted under Section 72-1-304;
- 2076 (B) serve a regional purpose; and
- 2077 (C) are part of an active transportation plan approved by the department or the
- 2078 plan described in Subsection (11)(d)(ii);
- 2079 (ii) the development of a plan for a statewide network of paved pedestrian or paved
- 2080 nonmotorized trails that serve a regional purpose; and
- 2081 (iii) the administration of the fund, including staff and overhead costs.
- 2082 (12)(a) As used in this Subsection (12), "commuter rail" means the same as that term is
- 2083 defined in Section 63N-3-602.
- 2084 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
- 2085 Subaccount.
- 2086 (c) The subaccount shall be funded by:
- 2087 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 2088 (ii) appropriations into the subaccount by the Legislature;
- 2089 (iii) private contributions; and
- 2090 (iv) donations or grants from public or private entities.
- 2091 (d)(i) The subaccount shall earn interest.
- 2092 (ii) All interest earned on money in the subaccount shall be deposited into the
- 2093 subaccount.
- 2094 (e) As prioritized by the commission through the prioritization process adopted under
- 2095 Section 72-1-304 or as directed by the Legislature, the department may only use
- 2096 money from the subaccount for projects that improve the state's commuter rail
- 2097 infrastructure, including the building or improvement of grade-separated crossings
- 2098 between commuter rail lines and public highways.
- 2099 (f) Appropriations made in accordance with this section are nonlapsing in accordance
- 2100 with Section 63J-1-602.1.

2101 Section 19. **Effective Date.**

2102 This bill takes effect on May 7, 2025.