

Utah Housing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**General Description:**

This bill deals with housing development and housing policy.

Highlighted Provisions:

This bill:

▸ defines terms;

▸ authorizes a municipality or county to implement a density overlay in a housing-eligible zone of the municipality or county;

▸ authorizes a municipality or county to add additional requirements for development in a density overlay if the area is undeveloped at the time the municipality or county adopts the density overlay;

▸ beginning January 1, 2027, requires a specified municipality or specified county to include in the specified municipality's or specified county's moderate income housing report information on affordable housing density within the specified municipality or specified county;

▸ authorizes a municipality or county to consider an applicant's agreement to develop moderate income housing in an area subject to a density overlay in the municipality's or county's determination of whether to approve or deny a land use application;

▸ requires the Housing and Community Development Division ("Division") to analyze all moderate income housing reports received by the Division before January 1, 2025;

▸ requires the Division to provide a report to the Political Subdivisions Interim Committee;

▸ authorizes the Division to make rules regarding the form and content of a moderate income housing report;

▸ requires the Commission on Housing Affordability ("Commission") to develop a series of recommended regional strategic plans for housing, including affordable housing;

▸ requires the Commission to submit an annual written report to the Political Subdivisions Interim Committee; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **10-9a-403**, as last amended by Laws of Utah 2024, Chapters 431, 537

38 **10-9a-408**, as last amended by Laws of Utah 2024, Chapters 413, 438

39 **10-9a-535**, as enacted by Laws of Utah 2022, Chapter 355

40 **17-27a-403**, as last amended by Laws of Utah 2024, Chapters 381, 431

41 **17-27a-408**, as last amended by Laws of Utah 2024, Chapters 381, 413

42 **17-27a-531**, as enacted by Laws of Utah 2022, Chapter 355

43 **35A-8-202**, as last amended by Laws of Utah 2021, Chapter 281

44 **35A-8-2203**, as last amended by Laws of Utah 2022, Chapters 118, 406

45 **35A-8-2204**, as last amended by Laws of Utah 2020, Chapter 268

46 ENACTS:

47 **10-9a-403.2**, Utah Code Annotated 1953

48 **10-9a-408.1**, Utah Code Annotated 1953

49 **17-27a-403.1**, Utah Code Annotated 1953

50 **17-27a-408.1**, Utah Code Annotated 1953



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

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

54 **10-9a-403 . General plan preparation.**

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

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

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

65 (d) Except as otherwise provided by law or with respect to a municipality's power of

66 eminent domain, when the plan of a municipality involves territory outside the
67 boundaries of the municipality, the municipality may not take action affecting that
68 territory without the concurrence of the county or other municipalities affected.

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

72 (i) a land use element that:

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

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

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

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

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

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

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

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

99 (D) correlates with the population projections, the employment projections, and

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

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

- 168 (J) implement zoning incentives for moderate income units in new developments;
- 169 (K) preserve existing and new moderate income housing and subsidized units by
170 utilizing a landlord incentive program, providing for deed restricted units
171 through a grant program, or, notwithstanding Section 10-9a-535, establishing a
172 housing loss mitigation fund;
- 173 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 174 (M) demonstrate creation of, or participation in, a community land trust program
175 for moderate income housing;
- 176 (N) implement a mortgage assistance program for employees of the municipality,
177 an employer that provides contracted services to the municipality, or any other
178 public employer that operates within the municipality;
- 179 (O) apply for or partner with an entity that applies for state or federal funds or tax
180 incentives to promote the construction of moderate income housing, an entity
181 that applies for programs offered by the Utah Housing Corporation within that
182 agency's funding capacity, an entity that applies for affordable housing
183 programs administered by the Department of Workforce Services, an entity
184 that applies for affordable housing programs administered by an association of
185 governments established by an interlocal agreement under Title 11, Chapter 13,
186 Interlocal Cooperation Act, an entity that applies for services provided by a
187 public housing authority to preserve and create moderate income housing, or
188 any other entity that applies for programs or services that promote the
189 construction or preservation of moderate income housing;
- 190 (P) demonstrate utilization of a moderate income housing set aside from a
191 community reinvestment agency, redevelopment agency, or community
192 development and renewal agency to create or subsidize moderate income
193 housing;
- 194 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter
195 3, Part 6, Housing and Transit Reinvestment Zone Act;
- 196 (R) create a home ownership promotion zone pursuant to Part 10, Home
197 Ownership Promotion Zone for Municipalities;
- 198 (S) eliminate impact fees for any accessory dwelling unit that is not an internal
199 accessory dwelling unit as defined in Section 10-9a-530;
- 200 (T) create a program to transfer development rights for moderate income housing;
- 201 (U) ratify a joint acquisition agreement with another local political subdivision for

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

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

- 270 (E) reduction of yard waste; and
- 271 (F) use of an irrigation system, including drip irrigation, best adapted to provide
- 272 the optimal amount of water to the plants being irrigated;
- 273 (v) shall consult with the public water system or systems serving the municipality
- 274 with drinking water regarding how implementation of the land use element and
- 275 water use and preservation element may affect:
- 276 (A) water supply planning, including drinking water source and storage capacity
- 277 consistent with Section 19-4-114; and
- 278 (B) water distribution planning, including master plans, infrastructure asset
- 279 management programs and plans, infrastructure replacement plans, and impact
- 280 fee facilities plans;
- 281 (vi) shall consult with the Division of Water Resources for information and technical
- 282 resources regarding regional water conservation goals, including how
- 283 implementation of the land use element and the water use and preservation
- 284 element may affect the Great Salt Lake;
- 285 (vii) may include recommendations for additional water demand reduction strategies,
- 286 including:
- 287 (A) creating a water budget associated with a particular type of development;
- 288 (B) adopting new or modified lot size, configuration, and landscaping standards
- 289 that will reduce water demand for new single family development;
- 290 (C) providing one or more water reduction incentives for existing development
- 291 such as modification of existing landscapes and irrigation systems and
- 292 installation of water fixtures or systems that minimize water demand;
- 293 (D) discouraging incentives for economic development activities that do not
- 294 adequately account for water use or do not include strategies for reducing
- 295 water demand; and
- 296 (E) adopting water concurrency standards requiring that adequate water supplies
- 297 and facilities are or will be in place for new development; and
- 298 (viii) for a town, may include, and for another municipality, shall include, a
- 299 recommendation for low water use landscaping standards for a new:
- 300 (A) commercial, industrial, or institutional development;
- 301 (B) common interest community, as defined in Section 57-25-102; or
- 302 (C) multifamily housing project.
- 303 (3) The proposed general plan may include:

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

- 338 sales activity;
- 339 (e) recommendations for implementing all or any portion of the general plan, including
- 340 the adoption of land and water use ordinances, capital improvement plans,
- 341 community development and promotion, and any other appropriate action;
- 342 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3); and
- 343 (g) any other element the municipality considers appropriate.

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

345 **10-9a-403.2 . Residential density overlay.**

346 (1) As used in this section:

347 (a) "Density overlay" means zoning regulations applied by a municipality to a

348 housing-eligible zone that allows:

349 (i) the development of:

350 (A) single family dwellings on small lots;

351 (B) diverse housing options; or

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

353 options; and

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

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

356 units:

357 (i) side-by-side duplex;

358 (ii) stacked duplex;

359 (iii) stacked triplex;

360 (iv) stacked four-plex;

361 (v) courtyard building;

362 (vi) cottage court;

363 (vii) town home; or

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

365 are available above a commercial property.

366 (c) "Housing-eligible zone" means an area of a municipality zoned in a way that allows

367 for the development of a residential unit, including residential zones and mixed-use

368 zones.

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

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

371 (ii) "Undeveloped" may include land that has been improved by infrastructure or

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

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

391 **10-9a-408 . Moderate income housing report -- Contents -- Prioritization for**

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

- 393 (1) As used in this section:
- 394 (a) "Division" means the Housing and Community Development Division within the
- 395 Department of Workforce Services.
- 396 (b) "Implementation plan" means the implementation plan adopted as part of the
- 397 moderate income housing element of a specified municipality's general plan as
- 398 provided in Subsection 10-9a-403(2)(c).
- 399 (c) "Initial report" or "initial moderate income housing report" means the one-time report
- 400 described in Subsection (2).
- 401 (d) "Moderate income housing strategy" means a strategy described in Subsection
- 402 10-9a-403(2)(b)(iii).
- 403 (e) "Report" means an initial report or a subsequent progress report.
- 404 (f) "Specified municipality" means:
- 405 (i) a city of the first, second, third, or fourth class; or

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

- 440 strategies;
- 441 (iv) information regarding the number of internal and external or detached accessory
442 dwelling units located within the specified municipality for which the specified
443 municipality:
- 444 (A) issued a building permit to construct; or
445 (B) issued a business license or comparable license or permit to rent;
- 446 (v) the number of residential dwelling units that have been entitled that have not
447 received a building permit as of the submission date of the progress report;
- 448 (vi) shapefiles, or website links if shapefiles are not available, to current maps and
449 tables related to zoning;
- 450 (vii) a description of how the market has responded to the selected moderate income
451 housing strategies, including the number of entitled moderate income housing
452 units or other relevant data;
- 453 (viii) beginning January 1, 2026, five-year projections for housing demand in the
454 specified municipality;
- 455 (ix) beginning January 1, 2027, the information described in Section 10-9a-408.1; and
456 ~~[(viii)]~~ (x) any recommendations on how the state can support the specified
457 municipality in implementing the moderate income housing strategies.
- 458 (c) For purposes of describing actions taken by a specified municipality under
459 Subsection (3)(b)(i), the specified municipality may include an ongoing action taken
460 by the specified municipality prior to the 12-month reporting period applicable to the
461 subsequent progress report if the specified municipality:
- 462 (i) has already adopted an ordinance, approved a land use application, made an
463 investment, or approved an agreement or financing that substantially promotes the
464 implementation of a moderate income housing strategy identified in the initial
465 report; and
- 466 (ii) demonstrates in the subsequent progress report that the action taken under
467 Subsection (3)(c)(i) is relevant to making meaningful progress towards the
468 specified municipality's implementation plan.
- 469 (d) A specified municipality's report shall be in a form:
- 470 (i) approved by the division; and
471 (ii) made available by the division on or before May 1 of the year in which the report
472 is required.
- 473 (4) Within 90 days after the day on which the division receives a specified municipality's

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

- 508 (D) identify how the market has responded to the specified municipality's selected
509 moderate income housing strategies; and
- 510 (E) identify any barriers encountered by the specified municipality in
511 implementing the selected moderate income housing strategies.
- 512 (6)(a) A specified municipality qualifies for priority consideration under this Subsection
513 (6) if the specified municipality's report:
- 514 (i) complies with this section; and
515 (ii) demonstrates to the division that the specified municipality made plans to
516 implement:
- 517 (A) five or more moderate income housing strategies if the specified municipality
518 does not have a fixed guideway public transit station; or
519 (B) six or more moderate income housing strategies if the specified municipality
520 has a fixed guideway public transit station.
- 521 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c),
522 give priority consideration to transportation projects located within the boundaries of
523 a specified municipality described in Subsection (6)(a) until the Department of
524 Transportation receives notice from the division under Subsection (6)(e).
- 525 (c) Upon determining that a specified municipality qualifies for priority consideration
526 under this Subsection (6), the division shall send a notice of prioritization to the
527 legislative body of the specified municipality and the Department of Transportation.
- 528 (d) The notice described in Subsection (6)(c) shall:
- 529 (i) name the specified municipality that qualifies for priority consideration;
530 (ii) describe the funds or projects for which the specified municipality qualifies to
531 receive priority consideration; and
532 (iii) state the basis for the division's determination that the specified municipality
533 qualifies for priority consideration.
- 534 (e) The division shall notify the legislative body of a specified municipality and the
535 Department of Transportation in writing if the division determines that the specified
536 municipality no longer qualifies for priority consideration under this Subsection (6).
- 537 (7)(a) If the division, after reviewing a specified municipality's report, determines that
538 the report does not comply with this section, the division shall send a notice of
539 noncompliance to the legislative body of the specified municipality.
- 540 (b) A specified municipality that receives a notice of noncompliance may:
- 541 (i) cure each deficiency in the report within 90 days after the day on which the notice

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

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

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

644 of this Subsection (9) no longer apply to the specified municipality.

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

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

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

654 **10-9a-408.1 . Affordable housing density.**

655 (1) As used in this section:

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

657 (i) eight residential units per acre; and

658 (ii)(A) four residential units per acre that are offered for sale to an
659 owner-occupier at a moderate income housing price point; or

660 (B) six residential units per acre that are offered for rent at a moderate income
661 housing price point.

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

663 (i) for a residential unit that is offered for sale to an owner-occupier, a price
664 affordable to a household with a gross income of no more than 120% of area
665 median income for the county in which the residential unit is offered for sale; and

666 (ii) for a residential unit that is offered for rent, a rental price affordable to a
667 household with a gross income of no more than 80% of area median income for
668 the county in which the residential unit is offered for rent.

669 (2) Beginning January 1, 2027, a specified municipality shall include the following
670 information in the specified municipality's moderate income housing report:

671 (a) whether the specified municipality has implemented a density overlay, as described
672 in Section 10-9a-403.2;

673 (b) the amount of undeveloped land within the specified municipality that could achieve
674 affordable housing density, including:

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

677 (ii) the barriers, if any, to achieving affordable housing density on the undeveloped

- 678 land within the specified municipality;
- 679 (c) the percentage of area zoned residential within the specified municipality that has
- 680 achieved affordable housing density;
- 681 (d) a five-year projection for the percentage of area zoned residential within the
- 682 specified municipality that will achieve affordable housing density; and
- 683 (e) data to support the conclusions described in Subsections (2)(c) and (d).

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

685 **10-9a-535 . Moderate income housing.**

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

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

708 **17-27a-403 . Plan preparation.**

- 709 (1)(a) The planning commission shall provide notice, as provided in Section 17-27a-203,
- 710 of the planning commission's intent to make a recommendation to the county
- 711 legislative body for a general plan or a comprehensive general plan amendment when

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

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

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

- 814 (O) apply for or partner with an entity that applies for state or federal funds or tax
815 incentives to promote the construction of moderate income housing, an entity
816 that applies for programs offered by the Utah Housing Corporation within that
817 agency's funding capacity, an entity that applies for affordable housing
818 programs administered by the Department of Workforce Services, an entity
819 that applies for services provided by a public housing authority to preserve and
820 create moderate income housing, or any other entity that applies for programs
821 or services that promote the construction or preservation of moderate income
822 housing;
- 823 (P) demonstrate utilization of a moderate income housing set aside from a
824 community reinvestment agency, redevelopment agency, or community
825 development and renewal agency to create or subsidize moderate income
826 housing;
- 827 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter
828 3, Part 6, Housing and Transit Reinvestment Zone Act;
- 829 (R) create a home ownership promotion zone pursuant to Part 12, Home
830 Ownership Promotion Zone for Counties;
- 831 (S) eliminate impact fees for any accessory dwelling unit that is not an internal
832 accessory dwelling unit as defined in Section 10-9a-530;
- 833 (T) create a program to transfer development rights for moderate income housing;
- 834 (U) ratify a joint acquisition agreement with another local political subdivision for
835 the purpose of combining resources to acquire property for moderate income
836 housing;
- 837 (V) develop a moderate income housing project for residents who are disabled or
838 55 years old or older;
- 839 (W) create or allow for, and reduce regulations related to, multifamily residential
840 dwellings compatible in scale and form with detached single-family residential
841 dwellings and located in walkable communities within residential or mixed-use
842 zones; and
- 843 (X) demonstrate implementation of any other program or strategy to address the
844 housing needs of residents of the county who earn less than 80% of the area
845 median income, including the dedication of a local funding source to moderate
846 income housing or the adoption of a land use ordinance that requires 10% or
847 more of new residential development in a residential zone be dedicated to

- 848 moderate income housing.
- 849 (c) If a specified county, as defined in Section 17-27a-408, has created a small public
850 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the
851 specified county shall include as part of the specified county's recommended
852 strategies under Subsection (2)(b)(ii) a recommendation to implement the strategy
853 described in Subsection (2)(b)(ii)(Q).
- 854 (d) The planning commission shall identify each moderate income housing strategy
855 recommended to the legislative body for implementation by restating the exact
856 language used to describe the strategy in Subsection (2)(b)(ii).
- 857 (e) In drafting the land use element, the planning commission shall:
- 858 (i) identify and consider each agriculture protection area within the unincorporated
859 area of the county or mountainous planning district;
- 860 (ii) avoid proposing a use of land within an agriculture protection area that is
861 inconsistent with or detrimental to the use of the land for agriculture; and
- 862 (iii) consider and coordinate with any station area plans adopted by municipalities
863 located within the county under Section 10-9a-403.1.
- 864 (f) In drafting the transportation and traffic circulation element, the planning
865 commission shall:
- 866 (i)(A) consider and coordinate with the regional transportation plan developed by
867 the county's region's metropolitan planning organization, if the relevant areas
868 of the county are within the boundaries of a metropolitan planning
869 organization; or
- 870 (B) consider and coordinate with the long-range transportation plan developed by
871 the Department of Transportation, if the relevant areas of the county are not
872 within the boundaries of a metropolitan planning organization; and
- 873 (ii) consider and coordinate with any station area plans adopted by municipalities
874 located within the county under Section 10-9a-403.1.
- 875 (g)(i) In drafting the implementation plan portion of the moderate income housing
876 element as described in Subsection (2)(a)(iii)(C), the planning commission shall
877 recommend to the legislative body the establishment of a five-year timeline for
878 implementing each of the moderate income housing strategies selected by the
879 county for implementation.
- 880 (ii) The timeline described in Subsection (2)(g)(i) shall:
- 881 (A) identify specific measures and benchmarks for implementing each moderate

- 882 income housing strategy selected by the county; and
- 883 (B) provide flexibility for the county to make adjustments as needed.
- 884 (h) In drafting the water use and preservation element, the planning commission:
- 885 (i) shall consider applicable regional water conservation goals recommended by the
- 886 Division of Water Resources;
- 887 (ii) shall consult with the Division of Water Resources for information and technical
- 888 resources regarding regional water conservation goals, including how
- 889 implementation of the land use element and water use and preservation element
- 890 may affect the Great Salt Lake;
- 891 (iii) shall notify the community water systems serving drinking water within the
- 892 unincorporated portion of the county and request feedback from the community
- 893 water systems about how implementation of the land use element and water use
- 894 and preservation element may affect:
- 895 (A) water supply planning, including drinking water source and storage capacity
- 896 consistent with Section 19-4-114; and
- 897 (B) water distribution planning, including master plans, infrastructure asset
- 898 management programs and plans, infrastructure replacement plans, and impact
- 899 fee facilities plans;
- 900 (iv) shall consider the potential opportunities and benefits of planning for
- 901 regionalization of public water systems;
- 902 (v) shall consult with the Department of Agriculture and Food for information and
- 903 technical resources regarding the potential benefits of agriculture conservation
- 904 easements and potential implementation of agriculture water optimization projects
- 905 that would support regional water conservation goals;
- 906 (vi) shall notify an irrigation or canal company located in the county so that the
- 907 irrigation or canal company can be involved in the protection and integrity of the
- 908 irrigation or canal company's delivery systems;
- 909 (vii) shall include a recommendation for:
- 910 (A) water conservation policies to be determined by the county; and
- 911 (B) landscaping options within a public street for current and future development
- 912 that do not require the use of lawn or turf in a parkstrip;
- 913 (viii) shall review the county's land use ordinances and include a recommendation for
- 914 changes to an ordinance that promotes the inefficient use of water;
- 915 (ix) shall consider principles of sustainable landscaping, including the:

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

- 950 (B) forests;
- 951 (C) soils;
- 952 (D) rivers;
- 953 (E) groundwater and other waters;
- 954 (F) harbors;
- 955 (G) fisheries;
- 956 (H) wildlife;
- 957 (I) minerals; and
- 958 (J) other natural resources; and
- 959 (ii)(A) the reclamation of land, flood control, prevention and control of the
- 960 pollution of streams and other waters;
- 961 (B) the regulation of the use of land on hillsides, stream channels and other
- 962 environmentally sensitive areas;
- 963 (C) the prevention, control, and correction of the erosion of soils;
- 964 (D) the preservation and enhancement of watersheds and wetlands; and
- 965 (E) the mapping of known geologic hazards;
- 966 (b) a public services and facilities element showing general plans for sewage, water,
- 967 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for
- 968 them, police and fire protection, and other public services;
- 969 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 970 programs for:
- 971 (i) historic preservation;
- 972 (ii) the diminution or elimination of a development impediment as defined in Section
- 973 17C-1-102; and
- 974 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 975 public building sites;
- 976 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 977 economic development plan, which may include review of existing and projected
- 978 county revenue and expenditures, revenue sources, identification of basic and
- 979 secondary industry, primary and secondary market areas, employment, and retail
- 980 sales activity;
- 981 (e) recommendations for implementing all or any portion of the general plan, including
- 982 the adoption of land and water use ordinances, capital improvement plans,
- 983 community development and promotion, and any other appropriate action;

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

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

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

988 **17-27a-403.1 . Residential density overlay.**

989 (1) As used in this section:

990 (a) "Density overlay" means zoning regulations applied by a county to an
991 unincorporated area within the county zoned for residential use that allows:

992 (i) the development of:

993 (A) single family dwellings on small lots;

994 (B) diverse housing options; or

995 (C) a combination of single family dwellings on small lots and diverse housing
996 options; and

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

998 (b) "Diverse housing options" means one or more of the following types of residential
999 units:

1000 (i) side-by-side duplex;

1001 (ii) stacked duplex;

1002 (iii) stacked triplex;

1003 (iv) stacked four-plex;

1004 (v) courtyard building;

1005 (vi) cottage court;

1006 (vii) town home; or

1007 (viii) live-work mixed use building, in which one or more residential housing units
1008 are available above a commercial property.

1009 (c) "Housing-eligible zone" means an unincorporated area of a county zoned in a way
1010 that allows for the development of a residential unit, including residential zones and
1011 mixed-use zones.

1012 (d) "Small lot" means a residential lot that is 5,400 square feet or smaller.

1013 (e)(i) "Undeveloped" means land that has no buildings on it.

1014 (ii) "Undeveloped" may include land that has been improved by infrastructure or
1015 utilities if:

1016 (A) the county paid for the full cost of the improvement; or

1017 (B) the owner of the land enters into an agreement with the county to designate

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

1033 Section 8. Section **17-27a-408** is amended to read:

1034 **17-27a-408 . Moderate income housing report -- Contents -- Prioritization for**
 1035 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

- 1036 (1) As used in this section:
- 1037 (a) "Division" means the Housing and Community Development Division within the
 1038 Department of Workforce Services.
- 1039 (b) "Implementation plan" means the implementation plan adopted as part of the
 1040 moderate income housing element of a specified county's general plan as provided in
 1041 Subsection 17-27a-403(2)(g).
- 1042 (c) "Initial report" means the one-time moderate income housing report described in
 1043 Subsection (2).
- 1044 (d) "Moderate income housing strategy" means a strategy described in Subsection
 1045 17-27a-403(2)(b)(ii).
- 1046 (e) "Report" means an initial report or a subsequent report.
- 1047 (f) "Specified county" means a county of the first, second, or third class, which has a
 1048 population of more than 5,000 in the county's unincorporated areas.
- 1049 (g) "Subsequent progress report" means the annual moderate income housing report
 1050 described in Subsection (3).
- 1051 (2)(a) The legislative body of a specified county shall annually submit an initial report

- 1052 to the division.
- 1053 (b)(i) This Subsection (2)(b) applies to a county that is not a specified county as of
1054 January 1, 2023.
- 1055 (ii) As of January 1, if a county described in Subsection (2)(b)(i) changes from one
1056 class to another or grows in population to qualify as a specified county, the county
1057 shall submit an initial plan to the division on or before August 1 of the first
1058 calendar year beginning on January 1 in which the county qualifies as a specified
1059 county.
- 1060 (c) The initial report shall:
- 1061 (i) identify each moderate income housing strategy selected by the specified county
1062 for continued, ongoing, or one-time implementation, using the exact language
1063 used to describe the moderate income housing strategy in Subsection 17-27a-403
1064 (2)(b)(ii); and
- 1065 (ii) include an implementation plan.
- 1066 (3)(a) After the division approves a specified county's initial report under this section,
1067 the specified county shall, as an administrative act, annually submit to the division a
1068 subsequent progress report on or before August 1 of each year after the year in which
1069 the specified county is required to submit the initial report.
- 1070 (b) The subsequent progress report shall include:
- 1071 (i) subject to Subsection (3)(c), a description of each action, whether one-time or
1072 ongoing, taken by the specified county during the previous 12-month period to
1073 implement the moderate income housing strategies identified in the initial report
1074 for implementation;
- 1075 (ii) a description of each land use regulation or land use decision made by the
1076 specified county during the previous 12-month period to implement the moderate
1077 income housing strategies, including an explanation of how the land use
1078 regulation or land use decision supports the specified county's efforts to
1079 implement the moderate income housing strategies;
- 1080 (iii) a description of any barriers encountered by the specified county in the previous
1081 12-month period in implementing the moderate income housing strategies;
- 1082 (iv) the number of residential dwelling units that have been entitled that have not
1083 received a building permit as of the submission date of the progress report;
- 1084 (v) shapefiles, or website links if shapefiles are not available, to current maps and
1085 tables related to zoning;

- 1086 (vi) information regarding the number of internal and external or detached accessory
 1087 dwelling units located within the specified county for which the specified county:
 1088 (A) issued a building permit to construct; or
 1089 (B) issued a business license or comparable license or permit to rent;
- 1090 (vii) a description of how the market has responded to the selected moderate income
 1091 housing strategies, including the number of entitled moderate income housing
 1092 units or other relevant data;
- 1093 (viii) beginning January 1, 2026, five-year projections for housing demand in the
 1094 specified county;
- 1095 (ix) beginning January 1, 2027, the information described in Section 17-27a-408.1;
 1096 and
- 1097 [~~(viii)~~] (x) any recommendations on how the state can support the specified county in
 1098 implementing the moderate income housing strategies.
- 1099 (c) For purposes of describing actions taken by a specified county under Subsection
 1100 (3)(b)(i), the specified county may include an ongoing action taken by the specified
 1101 county prior to the 12-month reporting period applicable to the subsequent progress
 1102 report if the specified county:
- 1103 (i) has already adopted an ordinance, approved a land use application, made an
 1104 investment, or approved an agreement or financing that substantially promotes the
 1105 implementation of a moderate income housing strategy identified in the initial
 1106 report; and
- 1107 (ii) demonstrates in the subsequent progress report that the action taken under
 1108 Subsection (3)(c)(i) is relevant to making meaningful progress towards the
 1109 specified county's implementation plan.
- 1110 (d) A specified county's report shall be in a form:
- 1111 (i) approved by the division; and
- 1112 (ii) made available by the division on or before May 1 of the year in which the report
 1113 is required.
- 1114 (4) Within 90 days after the day on which the division receives a specified county's report,
 1115 the division shall:
- 1116 (a) post the report on the division's website;
- 1117 (b) send a copy of the report to the Department of Transportation, the Governor's Office
 1118 of Planning and Budget, the association of governments in which the specified
 1119 county is located, and, if the unincorporated area of the specified county is located

- 1120 within the boundaries of a metropolitan planning organization, the appropriate
1121 metropolitan planning organization; and
- 1122 (c) subject to Subsection (5), review the report to determine compliance with this section.
- 1123 (5)(a) An initial report does not comply with this section unless the report:
- 1124 (i) includes the information required under Subsection (2)(c);
- 1125 (ii) subject to Subsection (5)(c), demonstrates to the division that the specified county
1126 made plans to implement three or more moderate income housing strategies; and
1127 (iii) is in a form approved by the division.
- 1128 (b) A subsequent progress report does not comply with this section unless the report:
- 1129 (i) subject to Subsection (5)(c), demonstrates to the division that the specified county
1130 made plans to implement three or more moderate income housing strategies;
- 1131 (ii) is in a form approved by the division; and
- 1132 (iii) provides sufficient information for the division to:
- 1133 (A) assess the specified county's progress in implementing the moderate income
1134 housing strategies;
- 1135 (B) monitor compliance with the specified county's implementation plan;
- 1136 (C) identify a clear correlation between the specified county's land use decisions
1137 and efforts to implement the moderate income housing strategies;
- 1138 (D) identify how the market has responded to the specified county's selected
1139 moderate income housing strategies; and
- 1140 (E) identify any barriers encountered by the specified county in implementing the
1141 selected moderate income housing strategies.
- 1142 (c)(i) This Subsection (5)(c) applies to a specified county that has created a small
1143 public transit district, as defined in Section 17B-2a-802, on or before January 1,
1144 2022.
- 1145 (ii) In addition to the requirements of Subsections (5)(a) and (b), a report for a
1146 specified county described in Subsection (5)(c)(i) does not comply with this
1147 section unless the report demonstrates to the division that the specified county:
- 1148 (A) made plans to implement the moderate income housing strategy described in
1149 Subsection 17-27a-403(2)(b)(ii)(Q); and
- 1150 (B) is in compliance with Subsection 63N-3-603(8).
- 1151 (6)(a) A specified county qualifies for priority consideration under this Subsection (6) if
1152 the specified county's report:
- 1153 (i) complies with this section; and

- 1154 (ii) demonstrates to the division that the specified county made plans to implement
1155 five or more moderate income housing strategies.
- 1156 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c),
1157 give priority consideration to transportation projects located within the
1158 unincorporated areas of a specified county described in Subsection (6)(a) until the
1159 Department of Transportation receives notice from the division under Subsection
1160 (6)(e).
- 1161 (c) Upon determining that a specified county qualifies for priority consideration under
1162 this Subsection (6), the division shall send a notice of prioritization to the legislative
1163 body of the specified county and the Department of Transportation.
- 1164 (d) The notice described in Subsection (6)(c) shall:
- 1165 (i) name the specified county that qualifies for priority consideration;
1166 (ii) describe the funds or projects for which the specified county qualifies to receive
1167 priority consideration; and
1168 (iii) state the basis for the division's determination that the specified county qualifies
1169 for priority consideration.
- 1170 (e) The division shall notify the legislative body of a specified county and the
1171 Department of Transportation in writing if the division determines that the specified
1172 county no longer qualifies for priority consideration under this Subsection (6).
- 1173 (7)(a) If the division, after reviewing a specified county's report, determines that the
1174 report does not comply with this section, the division shall send a notice of
1175 noncompliance to the legislative body of the specified county.
- 1176 (b) A specified county that receives a notice of noncompliance may:
- 1177 (i) cure each deficiency in the report within 90 days after the day on which the notice
1178 of noncompliance is sent; or
1179 (ii) request an appeal of the division's determination of noncompliance within 10
1180 days after the day on which the notice of noncompliance is sent.
- 1181 (c) The notice described in Subsection (7)(a) shall:
- 1182 (i) describe each deficiency in the report and the actions needed to cure each
1183 deficiency;
1184 (ii) state that the specified county has an opportunity to:
- 1185 (A) submit to the division a corrected report that cures each deficiency in the
1186 report within 90 days after the day on which the notice of noncompliance is
1187 sent; or

- 1188 (B) submit to the division a request for an appeal of the division's determination of
1189 noncompliance within 10 days after the day on which the notice of
1190 noncompliance is sent; and
- 1191 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the
1192 specified county's ineligibility for funds and fees owed under Subsection (9).
- 1193 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the
1194 action needed to cure the deficiency as described by the division requires the
1195 specified county to make a legislative change, the specified county may cure the
1196 deficiency by making that legislative change within the 90-day cure period.
- 1197 (e)(i) If a specified county submits to the division a corrected report in accordance
1198 with Subsection (7)(b)(i), and the division determines that the corrected report
1199 does not comply with this section, the division shall send a second notice of
1200 noncompliance to the legislative body of the specified county.
- 1201 (ii) A specified county that receives a second notice of noncompliance may request
1202 an appeal of the division's determination of noncompliance within 10 days after
1203 the day on which the second notice of noncompliance is sent.
- 1204 (iii) The notice described in Subsection (7)(e)(i) shall:
- 1205 (A) state that the specified county has an opportunity to submit to the division a
1206 request for an appeal of the division's determination of noncompliance within
1207 10 days after the day on which the second notice of noncompliance is sent; and
- 1208 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the
1209 specified county's ineligibility for funds under Subsection (9).
- 1210 (8)(a) A specified county that receives a notice of noncompliance under Subsection
1211 (7)(a) or (7)(e)(i) may request an appeal of the division's determination of
1212 noncompliance within 10 days after the day on which the notice of noncompliance is
1213 sent.
- 1214 (b) Within 90 days after the day on which the division receives a request for an appeal,
1215 an appeal board consisting of the following three members shall review and issue a
1216 written decision on the appeal:
- 1217 (i) one individual appointed by the Utah Association of Counties;
- 1218 (ii) one individual appointed by the Utah Homebuilders Association; and
- 1219 (iii) one individual appointed by the presiding member of the association of
1220 governments, established pursuant to an interlocal agreement under Title 11,
1221 Chapter 13, Interlocal Cooperation Act, of which the specified county is a member.

- 1222 (c) The written decision of the appeal board shall either uphold or reverse the division's
1223 determination of noncompliance.
- 1224 (d) The appeal board's written decision on the appeal is final.
- 1225 (9)(a) A specified county is ineligible for funds and owes a fee under this Subsection (9)
1226 if:
- 1227 (i) the specified county fails to submit a report to the division;
- 1228 (ii) after submitting a report to the division, the division determines that the report
1229 does not comply with this section and the specified county fails to:
- 1230 (A) cure each deficiency in the report within 90 days after the day on which the
1231 notice of noncompliance is sent; or
- 1232 (B) request an appeal of the division's determination of noncompliance within 10
1233 days after the day on which the notice of noncompliance is sent;
- 1234 (iii) after submitting to the division a corrected report to cure the deficiencies in a
1235 previously submitted report, the division determines that the corrected report does
1236 not comply with this section and the specified county fails to request an appeal of
1237 the division's determination of noncompliance within 10 days after the day on
1238 which the second notice of noncompliance is sent; or
- 1239 (iv) after submitting a request for an appeal under Subsection (8), the appeal board
1240 issues a written decision upholding the division's determination of noncompliance.
- 1241 (b) The following apply to a specified county described in Subsection (9)(a) until the
1242 division provides notice under Subsection (9)(e):
- 1243 (i) the executive director of the Department of Transportation may not program funds
1244 from the Transportation Investment Fund of 2005, including the Transit
1245 Transportation Investment Fund, to projects located within the unincorporated
1246 areas of the specified county in accordance with Subsection 72-2-124(6);
- 1247 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee
1248 to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the
1249 specified county:
- 1250 (A) fails to submit the report to the division in accordance with this section,
1251 beginning the day after the day on which the report was due; or
- 1252 (B) fails to cure the deficiencies in the report, beginning the day after the day by
1253 which the cure was required to occur as described in the notice of
1254 noncompliance under Subsection (7); and
- 1255 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee

- 1256 to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the
 1257 specified county, for a consecutive year:
- 1258 (A) fails to submit the report to the division in accordance with this section,
 1259 beginning the day after the day on which the report was due; or
- 1260 (B) fails to cure the deficiencies in the report, beginning the day after the day by
 1261 which the cure was required to occur as described in the notice of
 1262 noncompliance under Subsection (7).
- 1263 (c) Upon determining that a specified county is ineligible for funds under this
 1264 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the
 1265 division shall send a notice of ineligibility to the legislative body of the specified
 1266 county, the Department of Transportation, the State Tax Commission, and the
 1267 Governor's Office of Planning and Budget.
- 1268 (d) The notice described in Subsection (9)(c) shall:
- 1269 (i) name the specified county that is ineligible for funds;
 1270 (ii) describe the funds for which the specified county is ineligible to receive;
 1271 (iii) describe the fee the specified county is required to pay under Subsection (9)(b),
 1272 if applicable; and
 1273 (iv) state the basis for the division's determination that the specified county is
 1274 ineligible for funds.
- 1275 (e) The division shall notify the legislative body of a specified county and the
 1276 Department of Transportation in writing if the division determines that the provisions
 1277 of this Subsection (9) no longer apply to the specified county.
- 1278 (f) The division may not determine that a specified county that is required to pay a fee
 1279 under Subsection (9)(b) is in compliance with the reporting requirements of this
 1280 section until the specified county pays all outstanding fees required under Subsection
 1281 (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8,
 1282 Part 5, Olene Walker Housing Loan Fund.
- 1283 (10) In a civil action seeking enforcement or claiming a violation of this section or of
 1284 Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded
 1285 only injunctive or other equitable relief.
- 1286 Section 9. Section **17-27a-408.1** is enacted to read:
- 1287 **17-27a-408.1 . Affordable housing density.**
- 1288 (1) As used in this section:
- 1289 (a) "Affordable housing density" means the same as that term is defined in Section

- 1290 10-9a-408.1.
- 1291 (b) "Moderate income housing price point" means the same as that term is defined in
- 1292 Section 10-9a-408.1.
- 1293 (2) Beginning January 1, 2027, a specified county shall include the following information
- 1294 in the specified county's moderate income housing report:
- 1295 (a) whether the specified county has implemented a density overlay, as described in
- 1296 Section 17-27a-403.1;
- 1297 (b) the amount of unincorporated, undeveloped land within the specified county that
- 1298 could achieve affordable housing density, including:
- 1299 (i) information on housing units that are entitled or approved but not yet developed
- 1300 on the undeveloped land within the specified county, if applicable; and
- 1301 (ii) the barriers, if any, to achieving affordable housing density on the undeveloped
- 1302 land within the specified county;
- 1303 (c) the percentage of unincorporated area zoned residential within the specified county
- 1304 that has achieved affordable housing density;
- 1305 (d) a five-year projection for the percentage of unincorporated area zoned residential
- 1306 within the specified county that will achieve affordable housing density; and
- 1307 (e) data to support the conclusions described in Subsections (2)(c) and (d).
- 1308 Section 10. Section **17-27a-531** is amended to read:
- 1309 **17-27a-531 . Moderate income housing.**
- 1310 (1) A county may only require the development of a certain number of moderate income
- 1311 housing units as a condition of approval of a land use application if:
- 1312 (a) the county and the applicant enter into a written agreement regarding the number of
- 1313 moderate income housing units; ~~or~~
- 1314 (b) the county provides incentives for an applicant who agrees to include moderate
- 1315 income housing units in a development~~[-]~~ ; or
- 1316 (c) the applicant seeks to develop in an unincorporated zone subject to a density overlay,
- 1317 as described in Section 17-27a-403.1.
- 1318 (2)(a) If an applicant does not agree to participate in the development of moderate
- 1319 income housing units under Subsection (1)(a) or (b), a county may not take into
- 1320 consideration the applicant's decision in the county's determination of whether to
- 1321 approve or deny a land use application.
- 1322 (b) If an applicant does not agree to participate in the development of moderate income
- 1323 housing units under Subsection (1)(c), a county may take into consideration the

1324 applicant's decision in the county's determination of whether to approve or deny a
1325 land use application.

1326 (3) Notwithstanding Subsections (1) and (2), a county of the third class, which has a ski
1327 resort located within the unincorporated area of the county, may require the
1328 development of a certain number of moderate income housing units as a condition of
1329 approval of a land use application if the requirement is in accordance with an ordinance
1330 enacted by the county before January 1, 2022.

1331 Section 11. Section **35A-8-202** is amended to read:

1332 **35A-8-202 . Powers and duties of division.**

1333 (1) The division shall:

1334 (a) assist local governments and citizens in the planning, development, and maintenance
1335 of necessary public infrastructure and services;

1336 (b) cooperate with, and provide technical assistance to, counties, cities, towns, regional
1337 planning commissions, area-wide clearinghouses, zoning commissions, parks or
1338 recreation boards, community development groups, community action agencies, and
1339 other agencies created for the purpose of aiding and encouraging an orderly,
1340 productive, and coordinated development of the state and its political subdivisions;

1341 (c) assist the governor in coordinating the activities of state agencies which have an
1342 impact on the solution of community development problems and the implementation
1343 of community plans;

1344 (d) serve as a clearinghouse for information, data, and other materials which may be
1345 helpful to local governments in discharging their responsibilities and provide
1346 information on available federal and state financial and technical assistance;

1347 (e) carry out continuing studies and analyses of the problems faced by communities
1348 within the state and develop such recommendations for administrative or legislative
1349 action as appear necessary;

1350 (f) assist in funding affordable housing;

1351 (g) support economic development activities through grants, loans, and direct programs
1352 financial assistance;

1353 (h) certify project funding at the local level in conformance with federal, state, and other
1354 requirements;

1355 (i) utilize the capabilities and facilities of public and private universities and colleges
1356 within the state in carrying out its functions; [~~and~~]

1357 (j) assist and support local governments, community action agencies, and citizens in the

- 1358 planning, development, and maintenance of home weatherization, energy efficiency,
1359 and antipoverty activities[-] ;
- 1360 (k) no later than August 31, 2025, analyze all moderate income housing reports received
1361 by the division before January 1, 2025, and:
- 1362 (i) determine which, if any, of the moderate income strategies described in
1363 Subsections 10-9a-403(2)(b)(iii) and 17-27a-403(2)(b)(ii) are correlated with an
1364 increase in the supply of moderate income housing, either built or entitled to be
1365 built, in the political subdivision that implements the moderate income strategy;
- 1366 (ii) draw conclusions regarding any data trends identified by the division as
1367 meaningful or significant; and
- 1368 (iii) report to the Political Subdivisions Interim Committee the results of the analysis;
1369 and
- 1370 (l) beginning January 1, 2026:
- 1371 (i) update the analysis described in Subsections (1)(k)(i) and (ii) on an annual basis;
1372 and
- 1373 (ii) provide a written report on the updated analysis to the Political Subdivisions
1374 Interim Committee by August 31 each year.
- 1375 (2) The division may:
- 1376 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
1377 Procedures Act, seek federal grants, loans, or participation in federal programs;
- 1378 (b) if any federal program requires the expenditure of state funds as a condition to
1379 participation by the state in any fund, property, or service, with the governor's
1380 approval, expend whatever funds are necessary out of the money provided by the
1381 Legislature for the use of the department;
- 1382 (c) in accordance with Part 9, Domestic Violence Shelters, assist in developing,
1383 constructing, and improving shelters for victims of domestic violence, as described in
1384 Section 77-36-1, through loans and grants to nonprofit and governmental entities; [
1385 and]
- 1386 (d) assist, when requested by a county or municipality, in the development of accessible
1387 housing[-] ; and
- 1388 (e) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
1389 Rulemaking Act, regarding the form and content of a moderate income housing
1390 report, as described in Sections 10-9a-408 and 17-27a-408, to:
- 1391 (i) ensure consistency across reporting political subdivisions; and

1392 (ii) promote better analysis of report data.

1393 Section 12. Section **35A-8-2203** is amended to read:

1394 **35A-8-2203 . Duties of the commission.**

1395 (1) The commission shall:

1396 (a) serve as a subcommittee of the Unified Economic Opportunity Commission and
1397 assist the Unified Economic Opportunity Commission in performing the Unified
1398 Economic Opportunity Commission's duties under Section 63N-1a-202;

1399 (b) increase public and government awareness and understanding of the housing
1400 affordability needs of the state and how those needs may be most effectively and
1401 efficiently met, through empirical study and investigation;

1402 (c) identify and recommend implementation of specific strategies, policies, procedures,
1403 and programs to address the housing affordability needs of the state;

1404 (d) facilitate the communication and coordination of public and private entities that are
1405 involved in developing, financing, providing, advocating for, and administering
1406 affordable housing in the state;

1407 (e) study, evaluate, and report on the status and effectiveness of policies, procedures,
1408 and programs that address housing affordability in the state;

1409 (f) study and evaluate the policies, procedures, and programs implemented by other
1410 states that address housing affordability;

1411 (g) provide a forum for public comment on issues related to housing affordability;

1412 (h) provide recommendations to the Unified Economic Opportunity Commission and the
1413 Legislature on strategies, policies, procedures, and programs to address the housing
1414 affordability needs of the state; and

1415 (i) develop recommendations for a series of regional strategic plans for housing, as
1416 described in Subsection (4).

1417 [~~(i) on or before December 31, 2022, approve the methodology developed by the~~
1418 ~~division under Subsection 35A-8-803(1)(a)(ix).]~~

1419 (2) To accomplish its duties, the commission may:

1420 (a) request and receive from a state or local government agency or institution summary
1421 information relating to housing affordability, including:

1422 (i) reports;

1423 (ii) audits;

1424 (iii) projections; and

1425 (iv) statistics; and

- 1426 (b) appoint one or more advisory groups to advise and assist the commission.
- 1427 (3)(a) A member of an advisory group described in Subsection (2)(b):
- 1428 (i) shall be appointed by the commission;
- 1429 (ii) may be:
- 1430 (A) a member of the commission; or
- 1431 (B) an individual from the private or public sector; and
- 1432 (iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for
- 1433 any work done in relation to the advisory group.
- 1434 (b) An advisory group described in Subsection (2)(b) shall report to the commission on
- 1435 the progress of the advisory group.
- 1436 (4)(a) A recommended regional strategic plan for housing shall:
- 1437 (i) address housing generally and affordable housing specifically;
- 1438 (ii) define success in housing policy for the region;
- 1439 (iii) include metrics to measure progress;
- 1440 (iv) include metrics that may be used to determine when success in housing policy
- 1441 has been achieved in a region, including the minimum percentage of residential
- 1442 area within a political subdivision meeting the definition of affordable housing
- 1443 density in Section 10-9a-408.1 that could excuse the political subdivision from
- 1444 further required action;
- 1445 (v) include goals that address housing shortages and projected population growth in
- 1446 the region;
- 1447 (vi) identify potential tools to promote desired government action at the local level
- 1448 within the region;
- 1449 (vii) identify potential incentives to encourage desired private sector action within the
- 1450 region; and
- 1451 (viii) take into consideration the unique needs, challenges, and attributes of the region.
- 1452 (b) In creating a series of recommended regional strategic plans, the commission:
- 1453 (i) may divide the state into as many regions as necessary to fulfill the obligations
- 1454 described in Subsection (4)(a); and
- 1455 (ii) shall ensure that each area of the state is included in a recommended region.
- 1456 Section 13. Section **35A-8-2204** is amended to read:
- 1457 **35A-8-2204 . Annual reports.**
- 1458 (1) The commission shall annually prepare a report for inclusion in the department's annual
- 1459 written report described in Section 35A-1-109.

- 1460 (2) The report described in Subsection (1) shall:
- 1461 (a) describe how the commission fulfilled its statutory duties during the year;
- 1462 (b) provide recommendations on how the state should act to address issues relating to
- 1463 housing affordability;
- 1464 (c) in consultation with affected political subdivisions, provide recommendations on
- 1465 how the state and other stakeholders should act to address the loss of moderate
- 1466 income housing units in the state, including the moderate income housing units
- 1467 permanently vacated or destroyed as identified in the report from the Department of
- 1468 Transportation described in Section 72-1-215; and
- 1469 (d) in consultation with affected political subdivisions, provide recommendations on
- 1470 how the state and other stakeholders can support and encourage the new construction
- 1471 or rehabilitation of replacement units.
- 1472 (3)(a) The commission shall annually prepare a written report to the Political
- 1473 Subdivisions Interim Committee, no later than August 31 of each year, on the
- 1474 commission's progress in developing recommended regional strategic plans for
- 1475 housing as described in Section 35A-8-2203.
- 1476 (b) The report due to the Political Subdivisions Interim Committee by August 31, 2025,
- 1477 shall include:
- 1478 (i) the commission's recommendation for the division of the state into regions;
- 1479 (ii) at least one recommended regional strategic plan for housing; and
- 1480 (iii) any recommendations for potential statutory changes necessary to implement a
- 1481 recommended regional strategic plan.
- 1482 Section 14. **Effective Date.**
- 1483 This bill takes effect on May 7, 2025.