

Part 8 Housing Coordination and Planning Act

35A-8-801 Title.

This part is known as the "Housing Coordination and Planning Act."

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-802 Legislative policy and purpose.

- (1)
 - (a) The Legislature declares that it is the policy of the state that to promote the general welfare of its citizens it is necessary to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of medium and low income, in urban and rural areas.
 - (b) The conditions described in Subsection (1)(a) cause an increase and spread of disease and crime, and constitute a menace to the health, safety, morals, and welfare of the state.
- (2) The Legislature declares that it is the policy of the state:
 - (a) to make adequate provision of affordable housing for:
 - (i) persons of medium or low income who are unable to provide themselves with decent housing including:
 - (A) elderly persons;
 - (B) persons with disabilities;
 - (C) veterans;
 - (D) special needs populations;
 - (E) low income persons living on tribal trust lands;
 - (F) persons receiving public assistance under self-sufficiency programs; or
 - (G) low income persons living in mobile homes, as defined in Section 70D-2-102; and
 - (ii) during limited periods, for disaster victims; and
 - (b) that the provision of safe and sanitary dwelling accommodations at rents or prices that persons of medium and low income can afford will materially assist in developing more desirable neighborhoods and alleviating the effects of poverty in this state.
- (3) The purposes of this part and Part 4, Housing Authorities, are to meet these problems by:
 - (a) providing low-cost housing for medium and low income persons; and
 - (b) encouraging cooperation between political subdivisions and the nonprofit sector to make available low-cost housing in all areas of the state.
- (4) It is in the public interest to use the broad financial resources and technical services available to government in cooperation with the ingenuity and expertise of private enterprise to alleviate this lack of safe and sanitary dwellings while stimulating local industry, according to the following principles:
 - (a) The private sector, including nonprofit entities, shall be the primary source of developing and providing affordable housing with state and local incentives to encourage housing development.
 - (b) State money used in the development of housing shall:
 - (i) be heavily leveraged when possible;
 - (ii) be primarily invested as loans;
 - (iii) be primarily spent on housing production; and

- (iv) give priority to needs of persons of medium or low income who are unable to provide themselves with decent housing including:
 - (A) elderly persons;
 - (B) persons with disabilities;
 - (C) veterans;
 - (D) special needs populations;
 - (E) low income persons living on tribal trust lands;
 - (F) persons receiving public assistance under self-sufficiency programs; and
 - (G) low income persons living in mobile homes, as defined in Section 70D-2-102.
- (c) When possible based on economic feasibility and effectiveness, state housing programs shall encourage:
 - (i) mixed income developments;
 - (ii) socio-economic diversity in neighborhoods; and
 - (iii) new, multifamily construction.
- (d) State resources may be used in partnership with political subdivisions or the private sector to promote affordable housing.
- (e) Within appropriations from the Legislature, the state may provide training and technical assistance to Utah's political subdivision, quasi-governmental, and nonprofit housing providers.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-803 Division -- Functions.

- (1) In addition to any other functions the governor or Legislature may assign:
 - (a) the division shall:
 - (i) provide a clearinghouse of information for federal, state, and local housing assistance programs;
 - (ii) establish, in cooperation with political subdivisions, model plans and management methods to encourage or provide for the development of affordable housing that may be adopted by political subdivisions by reference;
 - (iii) undertake, in cooperation with political subdivisions, a realistic assessment of problems relating to housing needs, such as:
 - (A) inadequate supply of dwellings;
 - (B) substandard dwellings; and
 - (C) inability of medium and low income families to obtain adequate housing;
 - (iv) provide the information obtained under Subsection (1)(a)(iii) to:
 - (A) political subdivisions;
 - (B) real estate developers;
 - (C) builders;
 - (D) lending institutions;
 - (E) affordable housing advocates; and
 - (F) others having use for the information;
 - (v) advise political subdivisions of serious housing problems existing within their jurisdiction that require concerted public action for solution;
 - (vi) assist political subdivisions in defining housing objectives and in preparing for adoption a plan of action covering a five-year period designed to accomplish housing objectives within their jurisdiction;

- (vii) for municipalities or counties required to submit an annual moderate income housing report to the department as described in Section 10-9a-408 or 17-27a-408:
 - (A) assist in the creation of the reports; and
 - (B) review the reports to meet the requirements of Sections 10-9a-408 and 17-27a-408;
- (viii) establish and maintain a database of moderate income housing units located within the state; and
- (ix) on or before December 1, 2022, develop and submit to the Commission on Housing Affordability a methodology for determining whether a municipality or county is taking sufficient measures to protect and promote moderate income housing in accordance with the provisions of Sections 10-9a-403 and 17-27a-403; and
- (b) within legislative appropriations, the division may accept for and on behalf of, and bind the state to, any federal housing or homeless program in which the state is invited, permitted, or authorized to participate in the distribution, disbursement, or administration of any funds or service advanced, offered, or contributed in whole or in part by the federal government.
- (2) The administration of any federal housing program in which the state is invited, permitted, or authorized to participate in distribution, disbursement, or administration of funds or services, except those administered by the Utah Housing Corporation, is governed by Sections 35A-8-501 through 35A-8-508.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules describing the review process for moderate income housing reports described in Subsection (1)(a)(vii).

Amended by Chapter 406, 2022 General Session

35A-8-804 Technical assistance to political subdivisions for housing plan.

- (1) Within appropriations from the Legislature, the division shall establish a program to assist municipalities to comply with the moderate income housing requirements described in Section 10-9a-403 and counties to comply with the moderate income housing requirements described in Section 17-27a-403.
- (2) Assistance under this section may include:
 - (a) financial assistance for the cost of developing a plan for low and moderate income housing;
 - (b) information on how to meet present and prospective needs for low and moderate income housing; and
 - (c) technical advice and consultation on how to facilitate the creation of low and moderate income housing.
- (3) The division shall submit an annual report to the department regarding the scope, amount, and type of assistance provided to municipalities and counties under this section, including the number of low and moderate income housing units constructed or rehabilitated within the state, for inclusion in the department's annual written report described in Section 35A-1-109.

Amended by Chapter 218, 2018 General Session

35A-8-805 Reporting requirements.

- (1) As used in this section:
 - (a) "Affordable housing" means, as determined by the department, the number of housing units within a county or municipality where a household whose income is at or below 50% of area median income is able to live in a unit without spending more than 30% of their income on housing costs.

- (b) "County" means the unincorporated area of a county.
 - (c) "Low-income housing" means, as determined by the department, the number of Section 42, Internal Revenue Code, housing units within a county or municipality.
 - (d) "Municipality" means a city or town.
- (2)
- (a) On or before October 1 of each year, the division shall provide a report to the department for inclusion in the department's annual report described in Section 35A-1-109.
 - (b) The report shall include:
 - (i) an estimate of how many affordable housing units and how many low-income housing units are available in each county and municipality in the state;
 - (ii) a determination of the percentage of affordable housing available in each county and municipality in the state as compared to the statewide average;
 - (iii) a determination of the percentage of low-income housing available in each county and municipality in the state as compared to the statewide average; and
 - (iv) a description of how information in the report was calculated.

Amended by Chapter 438, 2024 General Session