

59 (c) the size or affordability materially changes.

60 (3) (a) A replacement unit shall be provided for by:

61 (i) conversion of an existing market-rate housing unit to a moderate income housing  
62 unit;

63 (ii) conversion of a nonresidential development to a moderate income housing unit;

64 (iii) rehabilitation of a deteriorated or dilapidated housing unit to a moderate income  
65 housing unit; or

66 (iv) construction of a new moderate income housing unit.

67 (b) A replacement unit shall be provided for within two years of the commencement of  
68 an action described in Subsections (2)(a) through (c).

69 (4) (a) A housing loss mitigation fee shall be:

70 (i) calculated as the difference between the fair market value of a lost moderate income  
71 housing unit and the cost of a replacement unit, excluding land values; and

72 (ii) paid within two years of the commencement of an action described in Subsections  
73 (2)(a) through (c).

74 (b) A state agency that pays a housing loss mitigation fee shall submit documentation  
75 supporting the calculation of the housing loss mitigation fee to the Division of Housing and  
76 Community Development on the same day the housing loss mitigation fee is paid.

77 (5) Subsection (1) does not apply ~~§~~ **[if a moderate income housing unit is]** to ~~§~~ :

78 (a) ~~§~~ **a moderate income housing unit** ~~§~~ located on property for which an applicable  
79a master plan or the current zoning

79 envisions exclusive nonresidential use; ~~§~~ [or] ~~§~~

80 (b) ~~§~~ **a moderate income housing unit** ~~§~~ proposed to be demolished for health or  
80a safety reasons ~~§~~ [ ] :

80b (c) an action taken by the Division of Drinking Water under Title 19, Chapter 4, Safe  
80c Drinking Water Act; or

80d (d) an action taken by the Division of Water Quality under Title 19, Chapter 5, Water  
80e Quality Act. ~~§~~