

Senator Derek L. Kitchen proposes the following substitute bill:

**HOUSING LOSS MITIGATION AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derek L. Kitchen**

House Sponsor: Joel K. Briscoe

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**LONG TITLE**

**General Description:**

This bill modifies the reporting requirements of the Department of Transportation (department) and the Commission on Housing Affordability (commission).

**Highlighted Provisions:**

This bill:

- defines terms;
- requires the department to provide an annual report to the Economic Development and Workforce Services Interim Committee and to the commission regarding the number of moderate income housing units lost in the previous year because of departmental action;
- requires the commission to include in the commission's annual report recommendations regarding how to address the loss of moderate income housing units in the state; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **35A-8-2201**, as enacted by Laws of Utah 2018, Chapter 392

29 **35A-8-2204**, as enacted by Laws of Utah 2018, Chapter 392

30 ENACTS:

31 **72-1-215**, Utah Code Annotated 1953



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

34 Section 1. Section **35A-8-2201** is amended to read:

35 **35A-8-2201. Definitions.**

36 As used in this part:

37 (1) "Commission" means the Commission on Housing Affordability created in Section  
38 **35A-8-2202**.

39 (2) "Housing affordability" means the ability of a household to occupy a housing unit  
40 paying no more than 30% of the household's income for gross housing costs, including utilities.

41 (3) "Moderate income housing unit" means a housing unit where a household whose  
42 income is no more than 80% of the area median income is able to occupy the housing unit  
43 paying no more than 30% of the household's income for gross housing costs, including utilities.

44 (4) "Replacement unit" means a moderate income housing unit that:

45 (a) is comparable in quality to a permanently vacated or destroyed moderate income  
46 housing unit;

47 (b) meets state and local health and housing codes;

48 (c) is comparable to the permanently vacated or destroyed moderate income housing  
49 unit in number of bedrooms and square footage; and

50 (d) is located, to the extent practicable, in the same political subdivision as the  
51 permanently vacated or destroyed moderate income housing unit.

52 Section 2. Section **35A-8-2204** is amended to read:

53 **35A-8-2204. Annual report.**

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

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

57 (a) describe how the commission fulfilled its statutory duties during the year; [~~and~~]

58 (b) [~~contain~~] provide recommendations on how the state should act to address issues  
59 relating to housing affordability[~~;~~];

60 (c) in consultation with affected political subdivisions, provide recommendations on  
61 how the state and other stakeholders should act to address the loss of moderate income housing  
62 units in the state, including the moderate income housing units permanently vacated or  
63 destroyed as identified in the report from the Department of Transportation described in  
64 Section [72-1-215](#); and

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

68 Section 3. Section **72-1-215** is enacted to read:

69 **72-1-215. Affordable housing study.**

70 (1) As used in this section, "moderate income housing unit" means a housing unit that  
71 has an appraised value that would allow, as estimated by the department, a household whose  
72 income is no more than 80% of the area median income to occupy the housing unit paying no  
73 more than 30% of the household's income for gross housing costs, including utilities.

74 (2) On or before September 15, the department shall provide a written report to the  
75 Economic Development and Workforce Services Interim Committee and to the Commission on  
76 Housing Affordability created in Section [35A-8-2201](#) that describes:

77 (a) the total number of housing units that were permanently vacated or destroyed as a  
78 result of department action in the previous fiscal year, including separate subtotals describing  
79 the total number of housing units with one bedroom, two bedrooms, three bedrooms, and four  
80 or more bedrooms, which were permanently vacated or destroyed as a result of department  
81 action in the previous fiscal year; and

82 (b) the total number of moderate income housing units that were permanently vacated  
83 or destroyed as a result of department action in the previous fiscal year, including separate  
84 subtotals describing the total number of moderate income housing units with one bedroom, two  
85 bedrooms, three bedrooms, and four or more bedrooms, which were permanently vacated or  
86 destroyed as a result of department action in the previous fiscal year.