UTAH HOUSING AFFORDABILITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: ____________

LONG TITLE

General Description:

This bill modifies provisions related to affordable housing and the provision of services related to affordable housing.

Highlighted Provisions:

This bill:

- defines terms;
- requires certain political subdivisions to adopt an implementation plan as part of the moderate income housing element of the political subdivision's general plan;
- modifies the list of strategies that a political subdivision may select for implementation as part of the moderate income housing element of the political subdivision's general plan;
- requires certain political subdivisions to amend the political subdivision's general plan by a specified date if the general plan does not include certain provisions related to moderate income housing;
- modifies requirements for a political subdivision's annual moderate income housing report to the Housing and Community Development Division (division) within the Department of Workforce Services (department);
- allows a political subdivision to have priority consideration for receiving certain funds if the political subdivision demonstrates plans to implement a certain number of moderate income housing strategies;
prohibits a political subdivision from receiving certain funds if the political
subdivision fails to comply with moderate income housing reporting requirements;
requires a political subdivision to require the owner of a dwelling to obtain a license
or permit for renting internal accessory dwelling units;
allows a political subdivision to require certain physical changes for internal
accessory dwelling units constructed before a specified date;
limits a political subdivision's ability to impose certain requirements on internal
accessory dwelling units constructed before a specified date;
prohibits a political subdivision from imposing impact fees for the construction of
certain internal accessory dwelling units;
requires the Point of the Mountain State Land Authority to ensure that a certain
percentage of the proposed housing units within the point of the mountain state land
are dedicated to affordable housing and to report annually to the Unified Economic
Opportunity Commission;
requires the division to develop a statewide database of moderate income housing
units;
requires the division to develop a methodology for determining whether a political
subdivision is complying with certain moderate income housing requirements, to be
submitted to and approved by the Commission on Housing Affordability by a
certain date;
modifies the membership of the Olene Walker Housing Loan Fund Board;
requires an entity that receives any money from the Olene Walker Housing Loan
Fund after a certain date to provide an annual accounting to the department;
repeals certain limits on the amount of money the department may distribute from
the Economic Revitalization and Investment Fund;
establishes the Rural Housing Fund, to be used by the division to provide loans for
certain moderate income housing projects in rural areas;
allows the department to use a certain amount of money from specified funds to
offset administrative costs;
allows the Private Activity Bond Review Board to transfer certain unused allotment
account funds to any other allotment account, and exempts such funds from certain
set aside requirements;
- allows state entities, in addition to political subdivisions, to grant real property for
certain developments that include moderate income housing;
- repeals provisions that prohibit a political subdivision from adopting certain
ordinances related to short-term rentals; and
- makes technical and conforming changes.

Money Appropriated in this Bill:
This bill appropriates in fiscal year 2023:
- to Department of Workforce Services -- Housing and Community Development, as
  a one-time appropriation:
    - from the General Fund, $500,000;
- to Department of Workforce Services -- Housing and Community Development, as
  a one-time appropriation:
    - from the General Fund, $750,000;
- to Department of Workforce Services -- Olene Walker Housing Loan Fund, as a
  one-time appropriation:
    - from the General Fund, $50,000,000;
- to Department of Workforce Services -- Housing and Community Development, as
  an ongoing appropriation:
    - from the General Fund, $208,000;
- to Department of Workforce Services -- Administration, as an ongoing
  appropriation:
    - from the General Fund, $132,000;
- to Department of Workforce Services -- Housing and Community Development, as
  a one-time appropriation:
    - from the General Fund, $250,000;
- to Department of Workforce Services -- Housing and Community Development, as
  a one-time appropriation:
    - from the General Fund, $250,000;
- to Department of Workforce Services -- Rural Housing Fund, as a one-time
  appropriation:
from the General Fund, $50,000,000; and
- to Governor's Office of Economic Opportunity -- Pass-Through, as a one-time appropriation:
  - from the General Fund, $1,000,000.

Other Special Clauses:
None

Utah Code Sections Affected:

AMENDS:
10-9a-401, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
10-9a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
10-9a-404, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
10-9a-408, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
10-9a-511.5, as last amended by Laws of Utah 2021, Chapter 102
10-9a-530, as enacted by Laws of Utah 2021, Chapter 102
11-36a-202, as last amended by Laws of Utah 2021, Chapter 35
11-59-203, as enacted by Laws of Utah 2018, Chapter 388
17-27a-401, as last amended by Laws of Utah 2021, Chapter 363
17-27a-403, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
17-27a-404, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
17-27a-408, as last amended by Laws of Utah 2020, Chapter 434
17-27a-510.5, as last amended by Laws of Utah 2021, Chapter 102
17-27a-526, as enacted by Laws of Utah 2021, Chapter 102
35A-8-101, as last amended by Laws of Utah 2021, Chapter 281
35A-8-503, as last amended by Laws of Utah 2019, Chapter 327
35A-8-504, as last amended by Laws of Utah 2020, Chapter 241
35A-8-507.5, as enacted by Laws of Utah 2021, Chapter 333
35A-8-508, as last amended by Laws of Utah 2014, Chapter 371
35A-8-509, as enacted by Laws of Utah 2017, Chapter 279
35A-8-510, as enacted by Laws of Utah 2017, Chapter 279
35A-8-511, as enacted by Laws of Utah 2017, Chapter 279
35A-8-512, as enacted by Laws of Utah 2017, Chapter 279
35A-8-513, as enacted by Laws of Utah 2017, Chapter 279
35A-8-803, as last amended by Laws of Utah 2019, Chapter 327
35A-8-2105, as renumbered and amended by Laws of Utah 2018, Chapter 182
35A-8-2106, as renumbered and amended by Laws of Utah 2018, Chapter 182
35A-8-2203, as enacted by Laws of Utah 2018, Chapter 392
63J-4-802, as enacted by Laws of Utah 2021, First Special Session, Chapter 4
72-2-124, as last amended by Laws of Utah 2021, Chapters 239, 387, and 411

ENACTS:
35A-8-509.5, Utah Code Annotated 1953
63L-12-101, Utah Code Annotated 1953

RENUMBERS AND AMENDS:
63L-12-102, (Renumbered from 10-8-501, as enacted by Laws of Utah 2021, Chapter 333)

REPEALS:
10-8-85.4, as last amended by Laws of Utah 2021, Chapter 102
17-50-338, as last amended by Laws of Utah 2021, Chapter 102

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

Section 1. Section 10-9a-401 is amended to read:

10-9a-401. General plan required -- Content.

(1) In order to accomplish the purposes of this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:
(a) present and future needs of the municipality; and
(b) growth and development of all or any part of the land within the municipality.

(2) The general plan may provide for:
(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
(c) the efficient and economical use, conservation, and production of the supply of:
(i) food and water; and
152 (ii) drainage, sanitary, and other facilities and resources;
153 (d) the use of energy conservation and solar and renewable energy resources;
154 (e) the protection of urban development;
155 (f) if the municipality is a town, the protection or promotion of moderate income
156 housing;
157 (g) the protection and promotion of air quality;
158 (h) historic preservation;
159 (i) identifying future uses of land that are likely to require an expansion or significant
160 modification of services or facilities provided by each affected entity; and
161 (j) an official map.
162 [(3) (a) The general plan of a municipality, other than a town, shall plan for moderate
163 income housing growth.]
164 [(b) On or before December 1, 2019, each of the following that have a general plan that
165 does not comply with Subsection (3)(a) shall amend the general plan to comply with
166 Subsection (3)(a):]
167 [(i) a city of the first, second, third, or fourth class;]
168 [(ii) a city of the fifth class with a population of 5,000 or more, if the city is located
169 within a county of the first, second, or third class; and]
170 [(iii) a metro township with a population of 5,000 or more.]
171 [(c) The population figures described in Subsections (3)(b)(ii) and (iii) shall be derived
172 from:]
173 [(i) the most recent official census or census estimate of the United States Census
174 Bureau; or]
175 [(ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the
176 Utah Population Committee.]
177 (3) (a) The general plan of a specified municipality, as defined in Section 10-9a-408,
178 shall include a moderate income housing element that meets the requirements of Subsection
179 10-9a-403(2)(a)(iii).
180 (b) On or before October 1, 2022, a specified municipality, as defined in Section
181 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the
182 general plan to comply with Subsection (3)(a).
Subject to Subsection 10-9a-403(2), the municipality may determine the comprehensiveness, extent, and format of the general plan.

Section 2. Section 10-9a-403 is amended to read:

10-9a-403. General plan preparation.

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

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

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

(d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

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

(i) a land use element that:

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

(B) [may include] includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element that:

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

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

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

(D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan; and

[(iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a realistic opportunity to meet the need for additional moderate income housing.]

(iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and

(C) includes an implementation plan as provided in Subsection (2)(c).

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

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

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

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

(ii) for a town, may include, and for other municipalities, shall include, an analysis of
how the municipality will provide a realistic opportunity for the development of moderate
income housing within the next five years;

(iii) for a town, may include, and for other municipalities, shall include, a
recommendation to implement three or more of the following moderate income housing
strategies:

(A) rezone for densities necessary to [assure] facilitate the production of moderate
income housing;

(B) [facilitate] demonstrate investment in the rehabilitation or expansion of
infrastructure that [will encourage] facilitates the construction of moderate income housing;

(C) [facilitate] demonstrate investment in the rehabilitation of existing uninhabitable
housing stock into moderate income housing;

(D) [consider] identify and utilize general fund subsidies or other sources of revenue to
waive construction related fees that are otherwise generally imposed by the [city] municipality
for the construction or rehabilitation of moderate income housing;

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

(F) [allow] zone or rezone for higher density or moderate income residential
development in commercial [and] or mixed-use zones near major transit investment corridors,
commercial centers, or employment centers;

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

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

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

(J) implement zoning incentives for [low to] moderate income units in new
developments;

[(K) utilize strategies that preserve subsidized low to moderate income units on a
long-term basis;]
(K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;

[(M)] (L) reduce, waive, or eliminate impact fees[, as defined in Section 11-36a-102,]
related to [low and] moderate income housing;

[(N)] (M) demonstrate creation of, or participation in, a community land trust program for [low or] moderate income housing;

[(O)] (N) implement a mortgage assistance program for employees of the municipality [or of], an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;

[(P)] (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

[(Q)] apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;

[(R)] apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;

[(S)] apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;

[(T)] apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;

[(U)] apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical
[(V) utilize (P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and] to create or subsidize moderate income housing;

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

(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

(S) create a program to transfer development rights for moderate income housing;

(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;

(U) develop a moderate income housing project for residents who are disabled or 55 years of age or older; and

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

(iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in Subsection (2)(b)(iii)(G) or (H), or (Q).

(c) (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.

(ii) The timeline described in Subsection (2)(c)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality; and

(B) provide flexibility for the municipality to make adjustments as needed.

[(c)] (d) In drafting the land use element, the planning commission shall:
(i) identify and consider each agriculture protection area within the municipality; and
(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.

[(d)] (e) In drafting the transportation and traffic circulation element, the planning commission shall:
(i) consider and coordinate with the regional transportation plan developed by [its] the region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or
(ii) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the municipality is not within the boundaries of a metropolitan planning organization.

(3) The proposed general plan may include:
(a) an environmental element that addresses:
(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
(i) historic preservation;
(ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and
(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
(d) an economic element composed of appropriate studies and forecasts, as well as an
economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

(f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3); and

(g) any other element the municipality considers appropriate.

Section 3. Section 10-9a-404 is amended to read:

10-9a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1) (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Section 10-9a-204.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) (a) The legislative body may adopt, reject, or make any revisions to the proposed general plan or amendment that it considers appropriate.

(b) If the municipal legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for the planning commission's review and recommendation.

(4) The legislative body shall adopt:

(a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 10-9a-403(2)(a)(ii); and
(c) for a municipality, other than a town, after considering the factors included in Subsection 10-9a-403(2)(b)(iii), a plan to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(c) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element as provided in Subsection 10-9a-403(2)(a)(iii).

Section 4. Section 10-9a-408 is amended to read:

10-9a-408. Moderate income housing report -- Contents -- Prioritization for funds -- Ineligibility for funds after noncompliance -- Civil actions.

[(1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b) shall annually:

[(a) review the moderate income housing plan element of the municipality's general plan and implementation of that element of the general plan;

(b) prepare a report on the findings of the review described in Subsection (1)(a); and

(c) post the report described in Subsection (1)(b) on the municipality's website.]

[(2) The report described in Subsection (1) shall include:

(a) a revised estimate of the need for moderate income housing in the municipality for the next five years;

(b) a description of progress made within the municipality to provide moderate income housing, demonstrated by analyzing and publishing data on the number of housing units in the municipality that are at or below:

(i) 80% of the adjusted median family income;

(ii) 50% of the adjusted median family income; and

(iii) 30% of the adjusted median family income;

(e) a description of any efforts made by the municipality to utilize a moderate income housing set-aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and

(d) a description of how the municipality has implemented any of the recommendations related to moderate income housing described in Subsection 10-9a-403(2)(b)(iii);]

[(3) The legislative body of each municipality described in Subsection (1) shall send a copy of the report under Subsection (1) to the Department of Workforce Services, the
association of governments in which the municipality is located, and, if located within the
boundaries of a metropolitan planning organization, the appropriate metropolitan planning
organization.]

(1) As used in this section:
(a) "Division" means the Housing and Community Development Division within the
Department of Workforce Services.
(b) "Implementation plan" means the implementation plan adopted as part of the
moderate income housing element of a specified municipality's general plan as provided in
Subsection 10-9a-403(2)(c).
(c) "Moderate income housing report" or "report" means the report described in
Subsection (2)(a).
(d) "Moderate income housing strategy" means a strategy described in Subsection
10-9a-403(2)(b)(iii).
(e) "Specified municipality" means:
(i) a city of the first, second, third, or fourth class;
(ii) a city of the fifth class with a population of 5,000 or more, if the city is located
within a county of the first, second, or third class; or
(iii) a metro township with a population of 5,000 or more.
(2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative
body of a specified municipality shall annually submit a written moderate income housing
report to the division.
(b) The moderate income housing report submitted in 2022 shall include:
(i) a description of each moderate income housing strategy selected by the specified
municipality for implementation; and
(ii) an implementation plan.
(c) The moderate income housing report submitted in each calendar year after 2022
shall include:
(i) the information required under Subsection (2)(b);
(ii) a description of each action, whether one-time or ongoing, taken by the specified
municipality during the previous fiscal year to implement the moderate income housing
strategies selected by the specified municipality for implementation;
462 (iii) a description of each land use regulation or land use decision made by the
463 specified municipality during the previous fiscal year to implement the moderate income
464 housing strategies, including an explanation of how the land use regulation or land use decision
465 supports the specified municipality's efforts to implement the moderate income housing
466 strategies;
467 (iv) a description of any barriers encountered by the specified municipality in the
468 previous fiscal year in implementing the moderate income housing strategies;
469 (v) information regarding the number of internal and external or detached accessory
470 dwelling units located within the specified municipality for which the specified municipality:
471 (A) issued a building permit to construct; or
472 (B) issued a business license to rent;
473 (vi) a description of how the market has responded to the selected moderate income
474 housing strategies, including the number of entitled moderate income housing units or other
475 relevant data; and
476 (vii) any recommendations on how the state can support the specified municipality in
477 implementing the moderate income housing strategies.
478 (d) The moderate income housing report shall be in a form:
479 (i) approved by the division; and
480 (ii) made available by the division on or before July 1 of the year in which the report is
481 required.
482 (3) Within 90 days after the day on which the division receives a specified
483 municipality's moderate income housing report, the division shall:
484 (a) post the report on the division's website;
485 (b) send a copy of the report to the Department of Transportation, the Governor's
486 Office of Planning and Budget, the association of governments in which the specified
487 municipality is located, and, if the specified municipality is located within the boundaries of a
488 metropolitan planning organization, the appropriate metropolitan planning organization; and
489 (c) subject to Subsection (4), review the report to determine compliance with
490 Subsection (2).
491 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the
492 report:
(i) includes the information required under Subsection (2)(b);
(ii) demonstrates to the division that the specified municipality made plans to
implement:
(A) three or more moderate income housing strategies if the specified municipality
does not have a fixed guideway public transit station; or
(B) four or more moderate income housing strategies if the specified municipality has a
fixed guideway public transit station; and
(iii) is in a form approved by the division.
(b) The report described in Subsection (2)(c) complies with Subsection (2) if the
report:
(i) includes the information required under Subsection (2)(c);
(ii) demonstrates to the division that the specified municipality made plans to
implement:
(A) three or more moderate income housing strategies if the specified municipality
does not have a fixed guideway public transit station; or
(B) four or more moderate income housing strategies if the specified municipality has a
fixed guideway public transit station;
(iii) is in a form approved by the division; and
(iv) provides sufficient information for the division to:
(A) assess the specified municipality's progress in implementing the moderate income
housing strategies;
(B) monitor compliance with the specified municipality's implementation plan;
(C) identify a clear correlation between the specified municipality's land use
regulations and land use decisions and the specified municipality's efforts to implement the
moderate income housing strategies; and
(D) identify how the market has responded to the specified municipality's selected
moderate income housing strategies.
(5) (a) A specified municipality qualifies for priority consideration under this
Subsection (5) if the specified municipality's moderate income housing report:
(i) complies with Subsection (2); and
(ii) demonstrates to the division that the specified municipality made plans to
implement:

(A) five or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) six or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station.

(b) The following apply to a specified municipality described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the Department of Transportation may give priority consideration for programming funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to a project that is located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(11); and

(ii) the Governor's Office of Planning and Budget may give priority consideration for awarding a financial grant to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).

(c) Upon determining that a specified municipality qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (5)(c) shall:

(i) name the specified municipality that qualifies for priority consideration;

(ii) describe the funds for which the specified municipality qualifies to receive priority consideration;

(iii) specify the fiscal year during which the specified municipality qualifies for priority consideration; and

(iv) state the basis for the division's determination that the specified municipality qualifies for priority consideration.

(6) (a) If the division, after reviewing a specified municipality's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified municipality.

(b) The notice described in Subsection (6)(a) shall:

(i) describe each deficiency in the report and the actions needed to cure each
(ii) state that the specified municipality has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and

(iii) state that failure to cure the deficiencies within 45 days after the day on which the notice is sent will result in ineligibility for funds under Subsection (7).

(7) (a) A specified municipality is ineligible for funds under this Subsection (7) if the specified municipality:

(i) fails to submit a moderate income housing report to the division; or

(ii) fails to cure the deficiencies in the specified municipality's moderate income housing report within 90 days after the day on which the division sent to the specified municipality a notice of noncompliance under Subsection (6).

(b) The following apply to a specified municipality described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to a project that is located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5); and

(ii) the Governor's Office of Planning and Budget may not award a financial grant to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).

(c) Upon determining that a specified municipality is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:

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

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

(iii) specify the fiscal year during which the specified municipality is ineligible for funds; and

(iv) state the basis for the division's determination that the specified municipality is ineligible for funds.
In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Section 5. Section 10-9a-511.5 is amended to read:

10-9a-511.5. Changes to dwellings -- Egress windows.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(b) "Primary dwelling" means a single-family dwelling that:

(i) is detached; and

(ii) is occupied as the primary residence of the owner of record.

(c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

(2) A municipal ordinance adopted under Section 10-1-203.5 may not:

(a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:

(i) the reasonable installation of:

(A) a smoke detector that is plugged in or battery operated;

(B) a ground fault circuit interrupter protected outlet on existing wiring;

(C) street addressing;

(D) except as provided in Subsection (3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;

(E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;

(F) hand or guard rails; or

(G) occupancy separation doors as required by the International Residential Code; or

(ii) the abatement of a structure; or

(b) be enforced to terminate a legal nonconforming rental dwelling use.
A municipality may not require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:

(i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:
   (A) a detached one-, two-, three-, or four-family dwelling; or
   (B) a town home that is not more than three stories above grade with a separate means of egress; and
(ii) (A) the window in the existing bedroom is smaller than that required by current State Construction Code; and
   (B) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.

(b) Subject to Section 10-9a-530, Subsection (3)(a) [does not apply] applies only to an internal accessory dwelling unit constructed before October 1, 2021.

(4) Nothing in this section prohibits a municipality from:

(a) regulating the style of window that is required or allowed in a bedroom;
(b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or
(c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.

Section 6. Section 10-9a-530 is amended to read:

10-9a-530. Internal accessory dwelling units.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
   (i) within a primary dwelling;
   (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
   (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
(b) "Primary dwelling" means a single-family dwelling that:
   (i) is detached; and
   (ii) is occupied as the primary residence of the owner of record.
(2) In any area zoned primarily for residential use:

(a) the use of an internal accessory dwelling unit is a permitted use; and

(b) except as provided in [Subsections (3) and (4)] this section, a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

(ii) total lot size; or

(iii) street frontage.

(3) (a) This Subsection (3) applies only to an internal accessory dwelling unit constructed on or after October 1, 2021.

[(b) An internal accessory dwelling unit described in Subsection (3)(a) shall comply with all applicable building, health, and fire codes.

(c) A municipality shall require the owner of a primary dwelling to:

(i) obtain a permit or license for renting an internal accessory dwelling unit; or

(ii) obtain a building permit for constructing an internal accessory dwelling unit.

[(d) A municipality may:

(i) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

(ii) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

(iii) require a primary dwelling:

(A) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; and

(B) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport;

(iv) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;

(v) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;]

(v) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
(A) 25% or less of the total area in the municipality that is zoned primarily for residential use; or
(B) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;

(vi) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;

(vii) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;

(viii) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;

(ix) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

(x) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and

(xi) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).

(4) (a) This Subsection (4) applies only to an internal accessory dwelling unit constructed before October 1, 2021.

(b) A municipality shall require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit.

(c) In accordance with Section 10-9a-511.5, a municipality may require the owner of a primary dwelling to:

(i) install a smoke detector within an internal accessory dwelling unit that is plugged in or battery operated; and

(ii) by no later than May 4, 2025, install an egress bedroom window within an internal accessory dwelling unit if the existing bedroom window is smaller than that required by current State Construction Code.

(5) (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling
unit if:

(i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (3) or (4);

(ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);

(iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);

(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);

(v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and

(vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.

(b) The written notice of violation shall:

(i) describe the specific violation;

(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:

(A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or

(B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;

(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) notify the owner of the property:

(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and

(B) of the name and address of the municipal office where the owner may file the
written objection;
(v) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(vi) be posted on the property.
(c) The written notice of lien shall:
(i) comply with the requirements of Section 38-12-102;
(ii) state that the property is subject to a lien;
(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(v) be posted on the property.
(d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:
(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and
(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.
(iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
772 (e) If an owner cures a violation within the time period prescribed in the written notice
773 of violation under Subsection (5)(b), the municipality may not hold a lien against the property,
774 or impose any penalty or fee on the owner, in relation to the specific violation described in the
775 written notice of violation under Subsection (5)(b).
776 (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an
777 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
778 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
779 notice in the office of the recorder of the county in which the primary dwelling is located.
780 (b) The notice described in Subsection (6)(a) shall include:
781 (i) a description of the primary dwelling;
782 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;
783 and
784 (iii) a statement that the internal accessory dwelling unit may only be used in
785 accordance with the municipality's land use regulations.
786 (c) The municipality shall, upon recording the notice described in Subsection (6)(a),
787 deliver a copy of the notice to the owner of the internal accessory dwelling unit.
788
789 Section 7. Section 11-36a-202 is amended to read:
790
792 (1) A local political subdivision or private entity may not:
793 (a) impose an impact fee to:
794 (i) cure deficiencies in a public facility serving existing development;
795 (ii) raise the established level of service of a public facility serving existing
796 development; or
797 (iii) recoup more than the local political subdivision's or private entity's costs actually
798 incurred for excess capacity in an existing system improvement;
799 (b) delay the construction of a school or charter school because of a dispute with the
800 school or charter school over impact fees; or
801 (c) impose or charge any other fees as a condition of development approval unless
802 those fees are a reasonable charge for the service provided.
803 (2) (a) Notwithstanding any other provision of this chapter, a political subdivision or
804 private entity may not impose an impact fee:
(i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
(ii) on a school district or charter school for a park, recreation facility, open space, or trail;
(iii) on a school district or charter school unless:
(A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
(B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;
(iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:
(A) the Utah National Guard;
(B) the Utah Highway Patrol; or
(C) a state institution of higher education that has its own police force; [or]
(v) on development activity on the state fair park, as defined in Section 63H-6-102[.];
or
(vi) on development activity that consists of the construction of an internal accessory dwelling unit, as defined in Section 10-9a-530, within an existing structure.

(b) (i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
(A) the school is intended to replace another school, whether on the same or a different parcel;
(B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and
(C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.
(ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)(i) because the new school creates a greater demand or need for public
facilities than the school being replaced, the impact fee shall be based only on the demand or
need that the new school creates for public facilities that exceeds the demand or need that the
school being replaced creates for those public facilities.

(c) Notwithstanding any other provision of this chapter, a political subdivision or
private entity may impose an impact fee for a road facility on the state only if and to the extent
that:

(i) the state's development causes an impact on the road facility; and
(ii) the portion of the road facility related to an impact fee is not funded by the state or
by the federal government.

(3) Notwithstanding any other provision of this chapter, a local political subdivision
may impose and collect impact fees on behalf of a school district if authorized by Section
11-36a-206.

Section 8. Section 11-59-203 is amended to read:

11-59-203. Authority duties and responsibilities.

(1) As the authority plans, manages, and implements the development of the point of
the mountain state land, the authority shall pursue development strategies and objectives
designed to:

(a) maximize the creation of high-quality jobs and encourage and facilitate a highly
trained workforce;

(b) ensure strategic residential and commercial growth;

(c) promote a high quality of life for residents on and surrounding the point of the
mountain state land, including strategic planning to facilitate:

(i) jobs close to where people live;

(ii) vibrant urban centers;

(iii) housing types that match workforce needs;

(iv) parks, connected trails, and open space, including the preservation of natural lands
to the extent practicable and consistent with the overall development plan; and

(v) preserving and enhancing recreational opportunities;

(d) complement the development on land in the vicinity of the point of the mountain
state land;

(e) improve air quality and minimize resource use; and
(f) accommodate and incorporate the planning, funding, and development of an enhanced and expanded future transit and transportation infrastructure and other investments, including:

(i) the acquisition of rights-of-way and property necessary to ensure transit access to the point of the mountain state land; and

(ii) a world class mass transit infrastructure, to service the point of the mountain state land and to enhance mobility and protect the environment.

(2) In planning the development of the point of the mountain state land, the authority shall:

(a) consult with applicable governmental planning agencies, including:

(i) relevant metropolitan planning organizations; and

(ii) Draper City and Salt Lake County planning and governing bodies;

(b) research and explore the feasibility of attracting a nationally recognized research center; [and]

(c) research and explore the appropriateness of including labor training centers and a higher education presence on the point of the mountain state land;[;]

(d) ensure that at least 20% of the proposed housing units within the development of the point of the mountain state land are dedicated to affordable housing, of which:

(i) at least 10% of the proposed housing units are dedicated to housing for households whose income is no more than 50% of the area median income for households of the same size in the county or municipality where the development is located; and

(ii) at least 10% of the proposed housing units are dedicated to housing for households whose income is no more than 80% of the area median income for households of the same size in the county or municipality where the development is located; and

(e) on or before October 1 of each year, submit an annual written report to the Unified Economic Opportunity Commission created in Section 63N-1a-201 describing how the development of the point of the mountain state land meets the requirements of Subsection (2)(d).

Section 9. Section 17-27a-401 is amended to read:

To accomplish the purposes of this chapter, each county shall prepare and adopt a comprehensive, long-range general plan:

(a) for present and future needs of the county;

(b) (i) for growth and development of all or any part of the land within the unincorporated portions of the county; or

(ii) if a county has designated a mountainous planning district, for growth and development of all or any part of the land within the mountainous planning district; and

(c) as a basis for communicating and coordinating with the federal government on land and resource management issues.

(2) To promote health, safety, and welfare, the general plan may provide for:

(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;

(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;

(c) the efficient and economical use, conservation, and production of the supply of:

(i) food and water; and

(ii) drainage, sanitary, and other facilities and resources;

(d) the use of energy conservation and solar and renewable energy resources;

(e) the protection of urban development;

(f) the protection and promotion of air quality;

(g) historic preservation;

(h) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and

(i) an official map.

(3) (a) The general plan of a specified county, as defined in Section 17-27a-408, shall include a moderate income housing element that meets the requirements of Subsection 17-27a-403(2)(a)(iii).

(ii) contain a resource management plan for the public lands, as defined in Section 63L-6-102, within the county.
On or before [December 1, 2019, a] October 1, 2022, a specified county, as defined in Section 17-27a-408, with a general plan that does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

(b) The general plan shall contain a resource management plan for the public lands, as defined in Section 63L-6-102, within the county.

(c) The resource management plan described in Subsection [(3)(a)(ii)] (3)(b) shall address:

(i) mining;
(ii) land use;
(iii) livestock and grazing;
(iv) irrigation;
(v) agriculture;
(vi) fire management;
(vii) noxious weeds;
(viii) forest management;
(ix) water rights;
(x) ditches and canals;
(xi) water quality and hydrology;
(xii) flood plains and river terraces;
(xiii) wetlands;
(xiv) riparian areas;
(xv) predator control;
(xvi) wildlife;
(xvii) fisheries;
(xviii) recreation and tourism;
(xix) energy resources;
(xx) mineral resources;
(xxi) cultural, historical, geological, and paleontological resources;
(xxii) wilderness;
(xxiii) wild and scenic rivers;
( xxiv) threatened, endangered, and sensitive species;
(d) For each item listed under Subsection (3)(c), a county's resource management plan shall:

(i) establish findings pertaining to the item;

(ii) establish defined objectives; and

(iii) outline general policies and guidelines on how the objectives described in Subsection (3)(d)(ii) are to be accomplished.

(4) (a) (i) The general plan shall include specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303.

(ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:

[(i)] (A) the information identified in Section 19-3-305;

[(ii)] (B) information supported by credible studies that demonstrates that the provisions of Subsection 19-3-307(2) have been satisfied; and

[(iii)] (C) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

(d) The county shall send a certified copy of the ordinance described in Subsection (4)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.
(e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

(i) comply with Subsection (4)(a) as soon as reasonably possible; and

(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(5) The general plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

(6) Subject to Subsection 17-27a-403(2), the county may determine the comprehensiveness, extent, and format of the general plan.

(7) If a county has designated a mountainous planning district, the general plan for the mountainous planning district is the controlling plan.

(8) Nothing in this part may be construed to limit the authority of the state to manage and protect wildlife under Title 23, Wildlife Resources Code of Utah.

Section 10. Section 17-27a-403 is amended to read:


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

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

(i) the unincorporated area within the county; or

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

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

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

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

(i) a land use element that:

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

(B) [may include] includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element that:

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

(B) addresses the county's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce; and

(C) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;

[(iii) a plan for the development of additional moderate income housing within the unincorporated area of the county or the mountainous planning district, and a plan to provide a realistic opportunity to meet the need for additional moderate income housing; and]

(iii) for a specified county as defined in Section 17-27a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(ii) for implementation; and

(C) includes an implementation plan as provided in Subsection (2)(e); and

(iv) [before May 1, 2017:] a resource management plan detailing the findings, objectives, and policies required by Subsection 17-27a-401(3).
In drafting the moderate income housing element, the planning commission:

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

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

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

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

(A) [facilitate] demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;

(B) [facilitate] demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(C) [facilitate] demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

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

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

(F) [allow] zone or rezone for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;

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

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

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

(J) implement zoning incentives for [low to] moderate income units in new developments;

[(K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis;

[(H) (K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;

[(M)] (L) reduce, waive, or eliminate impact fees[, as defined in Section 11-36a-102,] related to [low and] moderate income housing;

[(N) participate in] (M) demonstrate creation of, or participation in, a community land trust program for [low or] moderate income housing;

[(O)] (N) implement a mortgage assistance program for employees of the county [or any other public employer that operates within the county;

[(P)] (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

[(Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;]

[(R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;]

[(S) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;]

[(T) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical assistance]
[(U) utilize] (P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing; [and]

(Q) create a program to transfer development rights for moderate income housing;

(R) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;

(S) develop a moderate income housing project for residents who are disabled or 55 years of age or older; and

[(V) consider] (T) demonstrate implementation of any other program or strategy implemented by the county to address the housing needs of residents of the county who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

(c) In drafting the land use element, the planning commission shall:

(i) identify and consider each agriculture protection area within the unincorporated area of the county or mountainous planning district; and

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.

(d) In drafting the transportation and traffic circulation element, the planning commission shall:

(i) consider and coordinate with the regional transportation plan developed by [its] the region's metropolitan planning organization, if the relevant areas of the county are within the boundaries of a metropolitan planning organization; or

(ii) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the relevant areas of the county are not within the boundaries of a metropolitan planning organization.

(e) (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the county for implementation.
(ii) The timeline described in Subsection (2)(e)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the county; and

(B) provide flexibility for the county to make adjustments as needed.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) to the extent not covered by the county's resource management plan, the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation;

(ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and

(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;

(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
(f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
(3)(a)(i); and
(g) any other element the county considers appropriate.
Section 11. Section 17-27a-404 is amended to read:

17-27a-404. Public hearing by planning commission on proposed general plan or
amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection
by legislative body.

(1) (a) After completing its recommendation for a proposed general plan, or proposal to
amend the general plan, the planning commission shall schedule and hold a public hearing on
the proposed plan or amendment.
(b) The planning commission shall provide notice of the public hearing, as required by
Section 17-27a-204.
(c) After the public hearing, the planning commission may modify the proposed
general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to
the legislative body.

(3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
shall provide notice of its intent to consider the general plan proposal.
(b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
(3)(b).
(ii) The hearing format shall allow adequate time for public comment at the actual
public hearing, and shall also allow for public comment in writing to be submitted to the
legislative body for not fewer than 90 days after the date of the public hearing.
(c) (i) The legislative body shall give notice of the hearing in accordance with this
Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
complete.
(ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
the state Legislature, executive director of the Department of Environmental Quality, the state
planning coordinator, the Resource Development Coordinating Committee, and any other
citizens or entities who specifically request notice in writing.

(iii) Public notice shall be given by publication on the Utah Public Notice Website created in Section 63A-16-601.

(iv) The notice shall be published to allow reasonable time for interested parties and the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4), including publication described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under this Subsection (3).

(4) (a) After the public hearing required under this section, the legislative body may adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

(b) The legislative body shall respond in writing and in a substantive manner to all those providing comments as a result of the hearing required by Subsection (3).

(c) If the county legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for the planning commission's review and recommendation.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 17-27a-403(2)(a)(ii);

[c] after considering the factors included in Subsection 17-27a-403(2)(b), a plan to provide a realistic opportunity to meet the need for additional moderate income housing; and

(c) for a specified county as defined in Section 17-27-408, a moderate income housing element as provided in Subsection 17-27a-403(2)(a)(iii); and

(d) [before August 1, 2017;] a resource management plan as provided by Subsection 17-27a-403(2)(a)(iv).

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

17-27a-408. Moderate income housing report -- Contents -- Prioritization for funds -- Ineligibility for funds after noncompliance -- Civil actions.

[(†) The legislative body of each county of the first, second, or third class, which has a population in the county's unincorporated areas of more than 5,000 residents, shall annually:]
[(b) prepare a report on the findings of the review described in Subsection (1)(a); and]
[(c) post the report described in Subsection (1)(b) on the county's website.]
[(2) The report described in Subsection (1) shall include:
[(a) a revised estimate of the need for moderate income housing in the unincorporated areas of the county for the next five years;
[(b) a description of progress made within the unincorporated areas of the county to provide moderate income housing demonstrated by analyzing and publishing data on the number of housing units in the county that are at or below:
[(i) 80% of the adjusted median family income;
[(ii) 50% of the adjusted median family income; and]
[(iii) 30% of the adjusted median family income;
[(c) a description of any efforts made by the county to utilize a moderate income housing set-aside from a community reinvestment agency, redevelopment agency, or a community development and renewal agency; and]
[(d) a description of how the county has implemented any of the recommendations related to moderate income housing described in Subsection 17-27a-403(2)(b)(ii).]
[(3) The legislative body of each county described in Subsection (1) shall send a copy of the report under Subsection (1) to the Department of Workforce Services, the association of governments in which the county is located, and, if the unincorporated area of the county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization.] (1) As used in this section:
(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.
(b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified county's general plan as provided in Subsection 10-9a-403(2)(c).
(c) "Moderate income housing report" or "report" means the report described in Subsection (2)(a).
(d) "Moderate income housing strategy" means a strategy described in Subsection 17-27a-403(2)(b)(ii).
(e) "Specified county" means a county of the first, second, or third class, which has a
population of more than 5,000 in the county's unincorporated areas.

(2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified county shall annually submit a written moderate income housing report to the division.

(b) The moderate income housing report submitted in 2022 shall include:

(i) a description of each moderate income housing strategy selected by the specified county for implementation; and

(ii) an implementation plan.

(c) The moderate income housing report submitted in each calendar year after 2022 shall include:

(i) the information required under Subsection (2)(b);

(ii) a description of each action, whether one-time or ongoing, taken by the specified county during the previous fiscal year to implement the moderate income housing strategies selected by the specified county for implementation;

(iii) a description of each land use regulation or land use decision made by the specified county during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified county's efforts to implement the moderate income housing strategies;

(iv) a description of any barriers encountered by the specified county in the previous fiscal year in implementing the moderate income housing strategies; and

(v) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:

(A) issued a building permit to construct; or

(B) issued a business license to rent;

(vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and

(vii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.

(d) The moderate income housing report shall be in a form:

(i) approved by the division; and
(ii) made available by the division on or before July 1 of the year in which the report is required.

(3) Within 90 days after the day on which the division receives a specified county's moderate income housing report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection (4), review the report to determine compliance with Subsection (2).

(4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(b);

(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies; and

(iii) is in a form approved by the division.

(b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(c);

(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies;

(iii) is in a form approved by the division; and

(iv) provides sufficient information for the division to:

(A) assess the specified county's progress in implementing the moderate income housing strategies;

(B) monitor compliance with the specified county's implementation plan;

(C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies; and

(D) identify how the market has responded to the specified county's selected moderate
income housing strategies.

(5) (a) A specified county qualifies for priority consideration under this Subsection (5) if the specified county's moderate income housing report:

(i) complies with Subsection (2); and

(ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.

(b) The following apply to a specified county described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the Department of Transportation may give priority consideration for programming funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to a project that is located within the unincorporated areas of the specified county in accordance with Subsection 72-2-124(11); and

(ii) the Governor's Office of Planning and Budget may give priority consideration for awarding a financial grant to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).

(c) Upon determining that a specified county qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (5)(c) shall:

(i) name the specified county that qualifies for priority consideration;

(ii) describe the funds for which the specified county qualifies to receive priority consideration;

(iii) specify the fiscal year during which the specified county qualifies for priority consideration; and

(iv) state the basis for the division's determination that the specified county qualifies for priority consideration.

(6) (a) If the division, after reviewing a specified county's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified county.

(b) The notice described in Subsection (6)(a) shall:
(i) describe each deficiency in the report and the actions needed to cure each deficiency;
(ii) state that the specified county has an opportunity to cure the deficiencies within 45 days after the day on which the notice is sent; and
(iii) state that failure to cure the deficiencies within 90 days after the day on which the notice is sent will result in ineligibility for funds under Subsection (7).

(7) (a) A specified county is ineligible for funds under this Subsection (7) if the specified county:
(i) fails to submit a moderate income housing report to the division; or
(ii) fails to cure the deficiencies in the specified county's moderate income housing report within 90 days after the day on which the division sent to the specified county a notice of noncompliance under Subsection (6).

(b) The following apply to a specified county described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:
(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to a project that is located within the unincorporated areas of the specified county in accordance with Subsection 72-2-124(6); and
(ii) the Governor's Office of Planning and Budget may not award a financial grant to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).

(c) Upon determining that a specified county is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:
(i) name the specified county that is ineligible for funds;
(ii) describe the funds for which the specified county is ineligible to receive;
(iii) specify the fiscal year during which the specified county is ineligible for funds;
and
(iv) state the basis for the division's determination that the specified county is ineligible
In a civil action seeking enforcement or claiming a violation of this section or of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Section 13. Section 17-27a-510.5 is amended to read:

17-27a-510.5. Changes to dwellings -- Egress windows.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(b) "Primary dwelling" means a single-family dwelling that:

(i) is detached; and

(ii) is occupied as the primary residence of the owner of record.

(c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

(2) A county ordinance adopted under Section 10-1-203.5 may not:

(a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:

(i) the reasonable installation of:

(A) a smoke detector that is plugged in or battery operated;

(B) a ground fault circuit interrupter protected outlet on existing wiring;

(C) street addressing;

(D) except as provided in Subsection (3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;

(E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;

(F) hand or guard rails; or

(G) occupancy separation doors as required by the International Residential Code; or

(ii) the abatement of a structure; or
(b) be enforced to terminate a legal nonconforming rental dwelling use.

(3) (a) A county may not require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:

(i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

(A) a detached one-, two-, three-, or four-family dwelling; or

(B) a town home that is not more than three stories above grade with a separate means of egress; and

(ii) (A) the window in the existing bedroom is smaller than that required by current State Construction Code; and

(B) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.

(b) Subject to Section 17-27a-526, Subsection (3)(a) [does not apply] applies only to an internal accessory dwelling unit constructed before October 1, 2021.

(4) Nothing in this section prohibits a county from:

(a) regulating the style of window that is required or allowed in a bedroom;

(b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or

(c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.

Section 14. Section 17-27a-526 is amended to read:

17-27a-526. Internal accessory dwelling units.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(b) "Primary dwelling" means a single-family dwelling that:

(i) is detached; and
1454  (ii) is occupied as the primary residence of the owner of record.
1455  (2) In any area zoned primarily for residential use:
1456  (a) the use of an internal accessory dwelling unit is a permitted use; and
1457  (b) except as provided in Subsections (3) and (4), a county may not establish any
1458 restrictions or requirements for the construction or use of one internal accessory dwelling unit
1459 within a primary dwelling, including a restriction or requirement governing:
1460  (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
1461  (ii) total lot size; or
1462  (iii) street frontage.
1463 
1464 (3) (a) This Subsection (3) applies only to an internal accessory dwelling unit created
1465 on or after October 1, 2021.
1466 (b) An internal accessory dwelling unit shall comply with all applicable building,
1467 health, and fire codes.
1468 (c) A county shall require the owner of a primary dwelling to:
1469 (i) obtain a permit or license for renting an internal accessory dwelling unit; or
1470 (ii) obtain a building permit for constructing an internal accessory dwelling unit.
1471 (d) A county may:
1472 (i) prohibit the installation of a separate utility meter for an internal accessory
1473 dwelling unit;
1474 (ii) require that an internal accessory dwelling unit be designed in a manner that
1475 does not change the appearance of the primary dwelling as a single-family dwelling;
1476 (iii) require a primary dwelling:
1477 (A) to include one additional on-site parking space for an internal accessory
1478 dwelling unit, regardless of whether the primary dwelling is existing or new construction; and
1479 (B) to replace any parking spaces contained within a garage or carport if an
1480 internal accessory dwelling unit is created within the garage or carport;
1481 (iv) prohibit the creation of an internal accessory dwelling unit within a mobile
1482 home as defined in Section 57-16-3;
1483 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
1484 internal accessory dwelling unit;]
1485 (f) prohibit the creation of an internal accessory dwelling unit within a zoning
district covering an area that is equivalent to 25% or less of the total unincorporated area in the
county that is zoned primarily for residential use;

[(t有兴趣) (vi) prohibit the creation of an internal accessory dwelling unit if the primary
dwelling is served by a failing septic tank;

[(t有兴趣) (vii) prohibit the creation of an internal accessory dwelling unit if the lot
containing the primary dwelling is 6,000 square feet or less in size;

[(t有兴趣) (viii) prohibit the rental or offering the rental of an internal accessory dwelling
unit for a period of less than 30 consecutive days;

[(t有兴趣) (ix) prohibit the rental of an internal accessory dwelling unit if the internal
accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary
residence;

[(t有兴趣) (x) hold a lien against a property that contains an internal accessory dwelling unit
in accordance with Subsection (5); and

[(t有兴趣) (xi) record a notice for an internal accessory dwelling unit in accordance with
Subsection (6).

(4) (a) This Subsection (4) applies only to an internal accessory dwelling unit
constructed before October 1, 2021.

(b) A county shall require the owner of a primary dwelling to obtain a permit or license
for renting an internal accessory dwelling unit.

(c) In accordance with Section 17-27a-510.5, a county may require the owner of a
primary dwelling to:

(i) install a smoke detector within an internal accessory dwelling unit that is plugged in
or battery operated; and

(ii) by no later than May 4, 2025, install an egress bedroom window within an internal
accessory dwelling unit if the existing bedroom window is smaller than that required by current
State Construction Code.

(5) (a) In addition to any other legal or equitable remedies available to a county, a
county may hold a lien against a property that contains an internal accessory dwelling unit if:

(i) the owner of the property violates any of the provisions of this section or any
ordinance adopted under Subsection (3) or (4);

(ii) the county provides a written notice of violation in accordance with Subsection
(5)(b);

(iii) the county holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);

(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);

(v) the county provides a written notice of lien in accordance with Subsection (5)(c); and

(vi) the county records a copy of the written notice of lien described in Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.

(b) The written notice of violation shall:

(i) describe the specific violation;

(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:

(A) no less than 14 days after the day on which the county sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or

(B) no less than 30 days after the day on which the county sends the written notice of violation, for any other violation; and

(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) notify the owner of the property:

(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and

(B) of the name and address of the county office where the owner may file the written objection;

(v) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit
(vi) be posted on the property.

(c) The written notice of lien shall:

(i) comply with the requirements of Section 38-12-102;

(ii) describe the specific violation;

(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(v) be posted on the property.

(d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the county shall:

(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and

(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a county may not record a lien under this Subsection (5) until the county holds a hearing and determines that the specific violation has occurred.

(iii) If the county determines at the hearing that the specific violation has occurred, the county may impose a lien in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

(e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the county may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).

(6) (a) A county that issues, on or after October 1, 2021, a permit or license to an
owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
notice in the office of the recorder of the county in which the primary dwelling is located.

(b) The notice described in Subsection (6)(a) shall include:

(i) a description of the primary dwelling;

(ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

(iii) a statement that the internal accessory dwelling unit may only be used in
accordance with the county's land use regulations.

(c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a
copy of the notice to the owner of the internal accessory dwelling unit.

Section 15. Section 35A-8-101 is amended to read:

As used in this chapter:

(1) "Accessible housing" means housing which has been constructed or modified to be
accessible, as described in the State Construction Code or an approved code under Title 15A,
State Construction and Fire Codes Act.

(2) "Director" means the director of the division.

(3) "Division" means the Housing and Community Development Division.

(4) "Moderate income housing" means housing occupied or reserved for occupancy by
households with a gross household income equal to or less than 80% of the median gross
income for households of the same size in the county in which the housing is located.

(5) "Moderate income housing unit" means a housing unit that qualifies as moderate
income housing.

Section 16. Section 35A-8-503 is amended to read:

35A-8-503. Housing loan fund board -- Duties -- Expenses.
(1) There is created the Olene Walker Housing Loan Fund Board.
(a) The governor shall appoint the following members to four-year terms:

(i) two members from local governments[;], of which:

(A) one member shall be a locally elected official who resides in a county of the first or
second class; and
(B) one member shall be a locally elected official who resides in a county of the third, fourth, fifth, or sixth class;

(ii) two members from the mortgage lending community[, of which:
(A) one member shall have expertise in single-family mortgage lending; and
(B) one member shall have expertise in multi-family mortgage lending;

(iii) one member from real estate sales interests;
(iv) two members from home builders interests[, of which:
(A) one member shall have expertise in single-family residential construction; and
(B) one member shall have expertise in multi-family residential construction;

(v) one member from rental housing interests;
(vi) two members from housing advocacy interests[, of which:
(A) one member who resides within any area in a county of the first or second class;
and
(B) one member who resides within any area in a county of the third, fourth, fifth, or sixth class;

(vii) one member of the manufactured housing interest;
(viii) one member with expertise in transit-oriented developments; and
(ix) one member who represents rural interests.

(b) The director or the director's designee serves as the secretary of the board.
(c) The members of the board shall annually elect a chair from among the voting membership of the board.

(3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(b) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term.

(4) (a) The board shall:

(i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by the board;
(ii) meet twice per year, with at least one of the meetings in a rural area of the state, to provide information to and receive input from the public regarding the state's housing policies and needs;

(iii) keep minutes of its meetings; and

(iv) comply with the procedures and requirements of Title 52, Chapter 4, Open and Public Meetings Act.

(b) [Six] Seven members of the board constitute a quorum, and the governor, the chair, or a majority of the board may call a meeting of the board.

(5) The board shall:

(a) review the housing needs in the state;

(b) determine the relevant operational aspects of any grant, loan, or revenue collection program established under the authority of this chapter;

(c) determine the means to implement the policies and goals of this chapter;

(d) select specific projects to receive grant or loan money; and

(e) determine how fund money shall be allocated and distributed.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 17. Section 35A-8-504 is amended to read:

35A-8-504. Distribution of fund money.

(1) As used in this section:

(a) "Community" means the same as that term is defined in Section 17C-1-102.

(b) "Income targeted housing" means the same as that term is defined in Section 17C-1-102.

[††] (2) The executive director shall:

(a) make grants and loans from the fund for any of the activities authorized by Section 35A-8-505, as directed by the board;

(b) establish the criteria with the approval of the board by which loans and grants will
be made; and

(c) determine with the approval of the board the order in which projects will be funded.

[(2)] (3) The executive director shall distribute, as directed by the board, any federal money contained in the fund according to the procedures, conditions, and restrictions placed upon the use of the money by the federal government.

[(3)(a)] (4) The executive director shall distribute, as directed by the board, any funds received under Section 17C-1-412 to pay the costs of providing income targeted housing within the community that created the community reinvestment agency under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.

[(b) As used in Subsection (3)(a):]

[(i) "Community" means the same as that term is defined in Section 17C-1-102.]

[(ii) "Income targeted housing" means the same as that term is defined in Section 17C-1-102.]

[(4) (5) Except for federal money, money received under Section 17C-1-412, and money appropriated for use in accordance with Section 35A-8-2105, the executive director shall distribute, as directed by the board, money in the fund according to the following requirements:

[(a) the executive director shall distribute at least 30% of the money in the fund to rural areas of the state;]

[(b) the executive director shall distribute at least 70% of the money in the fund to benefit persons whose annual income is at or below 50% of the median family income for the state;]

[(c) the executive director may use up to 3% of the revenues of the fund, including any appropriation to the fund to offset department or board administrative expenses;]

[(d) the executive director shall distribute any remaining money in the fund to benefit persons whose annual income is at or below 80% of the median family income for the state; and]

[(e) if the executive director or the executive director's designee makes a loan in accordance with this section, the interest rate of the loan shall be based on the borrower's ability to pay.
The executive director may, with the approval of the board:

(a) enact rules to establish procedures for the grant and loan process by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the servicing of loans made by the fund.

Section 18. Section 35A-8-507.5 is amended to read:

35A-8-507.5. Predevelopment grants.

(1) The executive director under the direction of the board may:

(a) award one or more predevelopment grants to nonprofit or for-profit entities in preparation for the construction of low-income housing units;

(b) award a predevelopment grant in an amount of no more than $50,000 per project;

(c) may only award a predevelopment grant in relation to a project in:

(i) a city of the fifth or sixth class, or a town, in a rural area of the state; or

(ii) any municipality or unincorporated area in a county of the fourth, fifth, or sixth class;

(2) The executive director shall, under the direction of the board, award each predevelopment grant in accordance with the provisions of this section and the provisions related to grant applications, grant awards, and reporting requirements in this part.

(3) The recipient of a predevelopment grant:

(a) may use grant funds to offset the predevelopment funds needed to prepare for the construction of low-income housing units,
including market studies, surveys, environmental and impact studies, technical assistance, and
preliminary architecture, engineering, or legal work; and

(b) may not [be used by a recipient] use grant funds to pay for staff salaries [of a grant
recipient] or construction costs.

(4) The executive director shall, under the direction of the board [shall], prioritize the
awarding of a predevelopment grant for a project [in] that is located within:

(a) a county of the fifth or sixth class [and where the municipality or unincorporated];

and

(b) an area [that has underdeveloped infrastructure] as demonstrated by at least two of
the following:

[(a)] (i) limited or no availability of natural gas;
[(b)] (ii) limited or no availability of a sewer system;
[(c)] (iii) limited or no availability of broadband Internet;
[(d)] (iv) unpaved residential streets; or
[(e)] (v) limited local construction professionals, vendors, or services.

Section 19. Section 35A-8-508 is amended to read:


(1) The executive director shall monitor the activities of recipients of grants and loans
issued under this part on a yearly basis to ensure compliance with the terms and conditions
imposed on the recipient by the executive director with the approval of the board or by this
part.

(2) Beginning July 1, 2021, an entity that receives any money from the fund under this part shall provide the executive director with an annual accounting of
how the money the entity received from the fund has been spent.

(3) The executive director shall make an annual report to the board accounting for the
expenditures authorized by the board.

(4) The board shall submit a report to the department for inclusion in the annual
written report described in Section 35A-1-109:

(a) accounting for expenditures authorized by the board; and

(b) evaluating the effectiveness of the program.

Section 20. Section 35A-8-509 is amended to read:

(1) There is created an enterprise fund known as the "Economic Revitalization and Investment Fund."

(2) The Economic Revitalization and Investment Fund consists of money from the following:

(a) money appropriated to the account by the Legislature;
(b) private contributions;
(c) donations or grants from public or private entities; and
(d) money returned to the department under [Section 35A-8-512 Subsection 35A-8-512(3)(a)].

(3) The Economic Revitalization and Investment Fund shall earn interest, which shall be deposited into the Economic Revitalization and Investment Fund.

(4) The executive director may distribute money from the Economic Revitalization and Investment Fund to one or more projects that:

(a) include affordable housing units for households [(i) whose income is no more than 30% of the area median income for households of the same size in the county or municipality where the project is located; and
(ii) at rental rates no greater than the rates described in Subsection 35A-8-511(2)(b); and]
(b) have been approved by the board in accordance with Section 35A-8-510.

(5) (a) A housing sponsor may apply to the department to receive a distribution in accordance with Subsection (4).

(b) The application shall include:

(i) the location of the project;
(ii) the number, size, and tenant income requirements of affordable housing units described in Subsection (4)(a) that will be included in the project; and
(iii) a written commitment to enter into a deed restriction that reserves for a period of 30 years the affordable housing units described in Subsection (5)(b)(ii) or their equivalent for occupancy by households that meet the income requirements described in Subsection (5)(b)(ii).

(c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit is:
(i) (A) occupied or reserved for occupancy by a household whose income is no more than 30% of the area median income for households of the same size in the county or municipality where the project is located; or

(B) occupied by a household whose income is no more than 60% of the area median income for households of the same size in the county or municipality where the project is located if that household met the income requirement described in Subsection (4)(a) when the household originally entered into the lease agreement for the housing unit; and

(ii) rented at a rate no greater than the rate described in Subsection 35A-8-511(2)(b).

(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make additional rules providing procedures for a person to apply to the department to receive a distribution described in Subsection (4).

(6) The executive director may expend up to 3% of the revenues of the Economic Revitalization and Investment Fund, including any appropriation to the Economic Revitalization and Investment Fund, to offset department or board administrative expenses.

Section 21. Section 35A-8-509.5 is enacted to read:

35A-8-509.5. Rural Housing Fund.

(1) There is created an enterprise fund known as the "Rural Housing Fund."

(2) The Rural Housing Fund consists of money from the following:

(a) money appropriated to the account by the Legislature;

(b) private contributions;

(c) donations or grants from public or private entities; and

(d) money returned to the department under Subsection 35A-8-512(3)(b).

(3) The Rural Housing Fund shall earn interest, which shall be deposited into the Rural Housing Fund.

(4) Subject to appropriation, the executive director may expend funds in the Rural Housing Fund to provide loans for projects that:

(a) are located within:

(i) a county of the third, fourth, fifth, or sixth class; or

(ii) a municipality in a county of the second class with a population of 10,000 or less;

(b) include moderate income housing units; and

(c) have been approved by the board in accordance with Section 35A-8-510.
(5) (a) A housing sponsor may apply to the department to receive a loan under this section.

(b) An application under Subsection (5)(a) shall specify:

(i) the location of the project;

(ii) the number, size, and income requirements of moderate income housing units that will be included in the project; and

(iii) a written commitment to enter into a deed restriction that reserves for a period of 50 years the moderate income housing units described in Subsection (5)(b)(ii).

(c) A commitment under Subsection (5)(b)(iii) shall be considered satisfied if a housing unit is occupied by a household that met the income requirement for moderate income housing when the household originally entered into the lease agreement for the housing unit.

(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules establishing procedures and requirements for housing sponsors to apply for and receive loans under this section.

(6) The executive director may expend up to 3% of the revenues of the Rural Housing Fund, including any appropriation to the Rural Housing Fund, to offset department or board administrative expenses.

Section 22. Section 35A-8-510 is amended to read:

35A-8-510. Housing loan fund board approval.

(1) The board shall review the project applications described in Subsections 35A-8-509(5) and 35A-8-509.5(5).

(2) (a) The board may approve a project that meets the requirements of Subsections 35A-8-509(4) and (5) to receive funds from the Economic Revitalization and Investment Fund.

(b) The board may approve a project that meets the requirements of Subsections 35A-8-509.5(4) and (5) to receive funds from the Rural Housing Fund.

(3) The board shall give preference to projects:

(a) that include significant additional or matching funds from an individual, private organization, or local government entity;

(b) that include significant contributions by the applicant to total project costs, including contributions secured by the applicant from other sources such as professional, craft, and trade services and lender interest rate subsidies;
(c) with significant local government contributions in the form of infrastructure, improvements, or other assistance;
(d) where the applicant has demonstrated the ability, stability, and resources to complete the project;
(e) that will serve the greatest need;
(f) that promote economic development benefits;
(g) that allow integration into a local government housing plan;
(h) that would mitigate or correct existing health, safety, or welfare concerns; or
(i) that remedy a gap in the supply of and demand for affordable housing.

Section 23. Section 35A-8-511 is amended to read:

35A-8-511. Activities authorized to receive account money.
[(1)] The executive director may distribute funds from the Economic Revitalization and Investment Fund and the Rural Housing Fund for any of the following activities undertaken as part of an approved project:
[(a)] (1) the acquisition, rehabilitation, or new construction of a building that includes [affordable] moderate income housing units;
[(b)] (2) the purchase of land for the construction of a building that will include [affordable] moderate income housing units; or
[(c)] (3) pre-development work, including planning, studies, design, and site work for a building that will include [affordable] moderate income housing units.
[(2) The maximum amount of money that may be distributed from the Economic Revitalization and Investment Fund for each affordable housing unit that has been committed in accordance with Subsection 35A-8-509(5)(b)(iii) is the present value, based on the current market interest rate as determined by the board for a multi-family mortgage loan in the county or metropolitan area where the project is located, of 360 monthly payments equal to the difference between:
[(a) the most recent United States Department of Housing and Urban Development fair market rent for a unit of the same size in the county or metropolitan area where the project is located; and]
[(b) an affordable rent equal to 30% of the income requirement described in Subsection 35A-8-509(5)(b)(ii) for a household of:]
Section 24. Section 35A-8-512 is amended to read:

35A-8-512. Repayment of funds.

(1) Upon the earlier of 30 years from the date an approved project is placed in service or the sale or transfer of the affordable housing units acquired, constructed, or rehabilitated as part of an approved project funded under [Section 35A-8-511] Subsection 35A-8-511(1), the housing sponsor shall remit to the department:

(a) the total amount of money distributed by the department to the housing sponsor for the project; and

(b) an additional amount of money determined by contract with the department prior to the initial disbursement of money [from the Economic Revitalization and Investment Fund].

(2) Any claim arising under Subsection (1) is a lien against the real property funded under this chapter.

(3) (a) Any money returned to the department under Subsection (1) from a housing sponsor that received funds from the Economic Revitalization and Investment Fund shall be deposited in the Economic Revitalization and Investment Fund.

(b) Any money returned to the department under Subsection (1) from a housing sponsor that received funds from the Rural Housing Fund shall be deposited in the Rural Housing Fund.

Section 25. Section 35A-8-513 is amended to read:


(1) The executive director shall monitor the activities of recipients of funds from the Economic Revitalization and Investment Fund and the Rural Housing Fund on a yearly basis to ensure compliance with the terms and conditions imposed on the recipient by the executive director with the approval of the board.

(2) (a) A housing sponsor that receives funds from the Economic Revitalization and
Investment Fund shall provide the executive director with an annual accounting of how the money the entity received from the Economic Revitalization and Investment Fund has been spent and evidence that the commitment described in Subsection 35A-8-509(5) has been met.

(b) A housing sponsor that receives funds from the Rural Housing Fund shall provide the executive director with an annual accounting of how the money the entity received from the Rural Housing Fund has been spent and evidence that the commitment described in Subsection 35A-8-509.5(5) has been met.

(3) The executive director shall make an annual report to the board accounting for the expenditures authorized by the board under the Economic Revitalization and Investment Fund and the Rural Housing Fund.

(4) The board shall submit a report to the department for inclusion in the annual written report described in Section 35A-1-109 that includes:

(a) an accounting for expenditures authorized by the board; and

(b) an evaluation of the effectiveness of the each program.

Section 26. Section 35A-8-803 is amended to read:

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; [and]
(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) evaluate the reports for the purposes of Subsections 72-2-124(5) and (6); 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 [evaluation] review process for moderate income
housing reports described in Subsection (1)(a)(vii).

Section 27. Section 35A-8-2105 is amended to read:

35A-8-2105. Allocation of volume cap.

(1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed by the board of review to the allotment accounts as described in Section 35A-8-2106.

(b) The board of review may distribute up to 50% of each increase in the volume cap for use in development that occurs in quality growth areas, depending upon the board's analysis of the relative need for additional volume cap between development in quality growth areas and the allotment accounts under Section 35A-8-2106.

(2) To obtain an allocation of the volume cap, issuing authorities shall submit to the board of review an application containing information required by the procedures and processes of the board of review.

(3) (a) The board of review shall establish criteria for making allocations of volume cap that are consistent with the purposes of the code and this part.

(b) In making an allocation of volume cap the board of review shall consider the following:

(i) the principal amount of the bonds proposed to be issued;

(ii) the nature and the location of the project or the type of program;

(iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

(iv) whether the project or program could obtain adequate financing without an allocation of volume cap;

(v) the degree to which an allocation of volume cap is required for the project or program to proceed or continue;

(vi) the social, health, economic, and educational effects of the project or program on the local community and state as a whole;

(vii) the anticipated economic development created or retained within the local community and the state as a whole;

(viii) the anticipated number of jobs, both temporary and permanent, created or retained within the local community and the state as a whole;

(ix) if the project is a residential rental project, the degree to which the residential rental project:
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2012 (A) targets lower income populations; and
2013 (B) is accessible housing; and
2014 (x) whether the project meets the principles of quality growth recommended by the
2015 Quality Growth Commission created in Section 11-38-201.
2016 (4) The board of review shall provide evidence of an allocation of volume cap by
2017 issuing a certificate in accordance with Section 35A-8-2107.
2018 (5) (a) Subject to Subsection (5)(c), from January 1 to June 30 of each year, the
2019 board of review shall set aside at least 50% of the Small Issue Bond Account that may only be
2020 allocated to manufacturing projects.
2021 (b) Subject to Subsection (5)(c), from July 1 to August 15 of each year, the
2022 board of review shall set aside at least 50% of the Pool Account that may only be allocated to
2023 manufacturing projects.
2024 (c) The board of review is not required to set aside any unused volume cap under
2025 Subsection 35A-8-2106(2)(c) to satisfy the requirements of Subsection (5)(a) or (b).
2026 Section 28. Section 35A-8-2106 is amended to read:
2027 35A-8-2106. Allotment accounts.
2028 (1) There are created the following allotment accounts:
2029 (a) the Single Family Housing Account, for which eligible issuing authorities are those
2030 authorized under the code and state statute to issue qualified mortgage bonds under Section 143
2031 of the code;
2032 (b) the Student Loan Account, for which eligible issuing authorities are those
2033 authorized under the code and state statute to issue qualified student loan bonds under Section
2034 144(b) of the code;
2035 (c) the Small Issue Bond Account, for which eligible issuing authorities are those
2036 authorized under the code and state statute to issue:
2037 (i) qualified small issue bonds under Section 144(a) of the code;
2038 (ii) qualified exempt facility bonds for qualified residential rental projects under
2039 Section 142(d) of the code; or
2040 (iii) qualified redevelopment bonds under Section 144(c) of the code;
2041 (d) the Exempt Facilities Account, for which eligible issuing authorities are those
2042 authorized under the code and state statute to issue any bonds requiring an allocation of volume
cap other than for purposes described in [Subsections] Subsection (1)(a), (b), or (c);
(e) the Pool Account, for which eligible issuing authorities are those authorized under
the code and state statute to issue any bonds requiring an allocation of volume cap; and
(f) the Carryforward Account, for which eligible issuing authorities are those with
projects or programs qualifying under Section 146(f) of the code.

(2) (a) The volume cap shall be distributed to the allotment accounts on January 1 of
each year on the following basis:
(i) 42% to the Single Family Housing Account;
(ii) 33% to the Student Loan Account;
(iii) 1% to the Exempt Facilities Account; and
(iv) 24% to the Small Issue Bond Account.
(b) From July 1 to September 30 of each year, the board of review may transfer any
unallocated volume cap from the Exempt Facilities Account or the Small Issue Bond Account
to the Pool Account.
(c) Upon written notification by the issuing authorities eligible for volume cap
allocation from the Single Family Housing Account or the Student Loan Account that all or a
portion of volume cap distributed into that allotment account will not be used, the board of
review may transfer the unused volume cap [between the Single Family Housing Account and
the Student Loan Account] to any other allotment account.
(d) From October 1 to the third Friday of December of each year, the board of review
shall transfer all unallocated volume cap into the Pool Account.
(e) On the third Saturday of December of each year, the board of review shall transfer
uncollected volume cap, or allocated volume cap for which bonds have not been issued prior to
the third Saturday of December, into the Carryforward Account.
(f) If the authority to issue bonds designated in any allotment account is rescinded by
amendment to the code, the board of review may transfer any unallocated volume cap from that
allotment account to any other allotment account.

Section 29. Section 35A-8-2203 is amended to read:

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

(1) The commission's duties include:
(a) increasing public and government awareness and understanding of the housing
affordability needs of the state and how those needs may be most effectively and efficiently
met, through empirical study and investigation;

(b) identifying and recommending implementation of specific strategies, policies,
procedures, and programs to address the housing affordability needs of the state;

(c) facilitating the communication and coordination of public and private entities that
are involved in developing, financing, providing, advocating for, and administering affordable
housing in the state;

(d) studying, evaluating, and reporting on the status and effectiveness of policies,
procedures, and programs that address housing affordability in the state;

(e) studying and evaluating the policies, procedures, and programs implemented by
other states that address housing affordability;

(f) providing a forum for public comment on issues related to housing affordability;

[g] providing recommendations to the governor and Legislature on strategies, policies,
procedures, and programs to address the housing affordability needs of the state[; and

(h) on or before December 31, 2022, approving the methodology developed by the
division under Subsection 35A-8-803(1)(a)(ix).

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

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

(i) reports;

(ii) audits;

(iii) projections; and

(iv) statistics; and

(b) appoint one or more advisory groups to advise and assist the commission.

(3) (a) A member of an advisory group described in Subsection (2)(b):

(i) shall be appointed by the commission;

(ii) may be:

(A) a member of the commission; or

(B) an individual from the private or public sector; and

(iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for
any work done in relation to the advisory group.

(b) An advisory group described in Subsection (2)(b) shall report to the commission on the progress of the advisory group.

Section 30. Section 63J-4-802 is amended to read:

63J-4-802. Creation of COVID-19 Local Assistance Matching Grant Program --

Eligibility -- Duties of the office.

(1) There is established a grant program known as COVID-19 Local Assistance Matching Grant Program that is administered by the office.

(2) The office shall award financial grants to local governments that meet the qualifications described in Subsection (3) to provide support for:

(a) projects or services that address the economic impacts of the COVID-19 emergency on housing insecurity, lack of affordable housing, or homelessness;

(b) costs incurred in addressing public health challenges resulting from the COVID-19 emergency;

(c) necessary investments in water and sewer infrastructure; or

(d) any other purpose authorized under the American Rescue Plan Act.

(3) To be eligible for a grant under this part, a local government shall:

(a) provide matching funds in an amount determined by the office; and

(b) certify that the local government will spend grant funds:

(i) on a purpose described in Subsection (2);

(ii) within the time period determined by the office; and

(iii) in accordance with the American Rescue Plan Act.

(4) As soon as is practicable, but on or before September 15, 2021, the office shall, with recommendations from the review committee, establish:

(a) procedures for applying for and awarding grants under this part, using an online grants management system that:

(i) manages each grant throughout the duration of the grant;

(ii) allows for:

(A) online submission of grant applications; and

(B) auditing and reporting for a local government that receives grant funds; and

(iii) generates reports containing information about each grant;
(b) criteria for awarding grants; and
(c) reporting requirements for grant recipients.

(5) Subject to appropriation, the office shall award grant funds on a competitive basis until December 31, 2024.

(6) If the office receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection 17-27a-408(5), the office may prioritize the awarding of a financial grant under this section to the municipality or county during the fiscal year specified in the notice.

(7) If the office receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), or a notice of ineligibility for a county as described in Subsection 17-27a-408(7), the office may not award a financial grant under this section to the municipality or county during the fiscal year specified in the notice.

(8) Before November 30 of each year, ending November 30, 2025, the office shall submit a report to the Executive Appropriations Committee that includes:
   (a) a summary of the procedures, criteria, and requirements established under Subsection (4);
   (b) a summary of the recommendations of the review committee under Section 63J-4-803;
   (c) the number of applications submitted under the grant program during the previous year;
   (d) the number of grants awarded under the grant program during the previous year;
   (e) the aggregate amount of grant funds awarded under the grant program during the previous year; and
   (f) any other information the office considers relevant to evaluating the success of the grant program.

(9) The office may use funds appropriated by the Legislature for the grant program to pay for administrative costs.

Section 31. Section 63L-12-101 is enacted to read:

CHAPTER 12. GRANTING OF REAL PROPERTY FOR MODERATE INCOME HOUSING

63L-12-101. Definitions.
As used in this chapter:

(1) "Governmental entity" means:

(a) an agency, as that term is defined in Section 63G-10-102;
(b) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
(c) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202; or
(d) a political subdivision, as that term is defined in Section 63L-11-102.

(2) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(3) "Municipality" means the same as that term is defined in Section 10-1-104.

Section 32. Section 63L-12-102, which is renumbered from Section 10-8-501 is renumbered and amended to read:

[10-8-501]. 63L-12-102. Grant of real property for moderate income housing.

[(1) As used in this part, "affordable housing unit" means a rental housing unit where a household whose income is no more than 50% of the area median income for households where the housing unit is located is able to occupy the housing unit paying no more than 31% of the household's income for gross housing costs including utilities.]

[(2) [A governmental entity may grant real property owned by the political subdivision to an entity for the development of one or more affordable housing units on the real property that will serve households at various income levels whereby at least 20% of the housing units are affordable housing units] moderate income housing on the real property.

[(3) A political subdivision]

(2) A governmental entity shall ensure that real property granted under Subsection [(2) (1)] is deed restricted for moderate income housing for at least 30 years after the day on which each moderate income housing unit is completed and occupied.

[(4)] (3) If applicable, a [political subdivision governmental entity granting real
property under this section shall comply with:

(a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain;

(b) Subsection 10-8-2(4), if a municipality is granting real property under this section;

(c) Subsection 17-50-312(5), if a county is granting real property under this section;

and

(d) except as provided in Subsection (4), any other applicable provisions of law that govern the granting of real property by the governmental entity.

[(5)] (4) A municipality granting real property under this section is not subject to the provisions of Subsection 10-8-2(3).

Section 33. Section 72-2-124 is amended to read:


(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

(2) The fund consists of money generated from the following sources:

(a) any voluntary contributions received for the maintenance, construction,
reconstruction, or renovation of state and federal highways;

(b) appropriations made to the fund by the Legislature;

(c) registration fees designated under Section 41-1a-1201;

(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103; and

(e) revenues transferred to the fund in accordance with Section 72-2-106.

(3) (a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(4) (a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);

(iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);

(iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on $30,000,000 of the revenue bonds issued by Salt Lake County;

(v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;

(vi) all highway general obligation bonds that are intended to be paid from revenues in the Centennial Highway Fund created by Section 72-2-118;

(vii) for fiscal year 2015-16 only, to transfer $25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;

(viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:

(A) mitigate traffic congestion on the state highway system;

(B) are part of an active transportation plan approved by the department; and

(C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ix) $705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:

(A) the connector road between Main Street and 1600 North in the city of Vineyard;

(B) Geneva Road from University Parkway to 1800 South;

(C) the SR-97 interchange at 5600 South on I-15;

(D) two lanes on U-111 from Herriman Parkway to 11800 South;

(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

(F) improvements to 1600 North in Orem from 1200 West to State Street;

(G) widening I-15 between mileposts 6 and 8;

(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
Spanish Fork Canyon;
(J) I-15 northbound between mileposts 43 and 56;
(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;
(L) east Zion SR-9 improvements;
(M) Toquerville Parkway;
(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
(O) for construction of an interchange on Bangerter Highway at 13400 South; and
(P) an environmental impact study for Kimball Junction in Summit County; and
(x) $28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:
(A) $5,000,000 for Payson Main Street repair and replacement;
(B) $8,000,000 for a Bluffdale 14600 South railroad bypass;
(C) $5,000,000 for improvements to 4700 South in Taylorsville; and
(D) $10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10.
(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).
(5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of [a municipality that is required to adopt a moderate income housing plan element as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has failed to adopt a moderate income housing plan element as part of the municipality's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii)] the municipality during the fiscal year specified in the notice.
(b) Within the boundaries of a municipality that is required under Subsection 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate income housing plan element as part of the municipality's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

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

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

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

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

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

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before [May 1, 2020] July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of a county, if the county is required to adopt a moderate income housing plan element as part of the county's general plan as described in Subsection 17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as part of the county's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii) the county during the fiscal year specified in the notice.
[(b) Within the boundaries of the unincorporated area of a county where the county is required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate income housing plan element as part of the county's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

(b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;

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

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

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

(c) Subsections [(5)] (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, [2020] 2022, for projects prioritized by the commission under Section 72-1-304.

(7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.
(9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
Transportation Investment Fund.
(b) The fund shall be funded by:
(i) contributions deposited into the fund in accordance with Section 59-12-103;
(ii) appropriations into the account by the Legislature;
(iii) deposits of sales and use tax increment related to a housing and transit
reinvestment zone as described in Section 63N-3-610;
(iv) private contributions; and
(v) donations or grants from public or private entities.
(c) (i) The fund shall earn interest.
(ii) All interest earned on fund money shall be deposited into the fund.
(d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund
for public transit capital development of new capacity projects to be used as prioritized by the
commission through the prioritization process adopted under Section 72-1-304.
(e) (i) The Legislature may only appropriate money from the fund for a public transit
capital development project or pedestrian or nonmotorized transportation project that provides
connection to the public transit system if the public transit district or political subdivision
provides funds of equal to or greater than 40% of the costs needed for the project.
(ii) A public transit district or political subdivision may use money derived from a loan
granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
part of the 40% requirement described in Subsection (9)(e)(i) if:
(A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
State Infrastructure Bank Fund; and
(B) the proposed capital project has been prioritized by the commission pursuant to
Section 72-1-303.
(10) (a) There is created in the Transportation Investment Fund of 2005 the
Cottonwood Canyons Transportation Investment Fund.
(b) The fund shall be funded by:
(i) money deposited into the fund in accordance with Section 59-12-103;
(ii) appropriations into the account by the Legislature;
(iii) private contributions; and
(iv) donations or grants from public or private entities.
(c) (i) The fund shall earn interest.
(ii) All interest earned on fund money shall be deposited into the fund.
(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.

(11) If the department receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection 17-27a-408(5), the executive director may, during the fiscal year specified in the notice, give priority consideration for programming fund money, including Transit Transportation Investment Fund money, to a project that is located within the boundaries of the municipality or the unincorporated areas of the county.

Section 34. Appropriation.
The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature Appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1
To Department of Workforce Services -- Housing and Community Development
From General Fund, One-time $500,000
Schedule of Programs:
Housing Development $500,000
The Legislature intends that the Department of Workforce Services use funds appropriated under this item to develop a statewide database for moderate income housing units as described in Subsection 35A-8-803(1)(a)(viii).

ITEM 2
To Department of Workforce Services -- Housing and Community Development
From General Fund, One-time $750,000
Schedule of Programs:
Housing Development $750,000
The Legislature intends that the Department of Workforce Services use $375,000 of the
funds appropriated under this item in fiscal years 2023 and 2024 to provide assistance to
landlords under the Department of Workforce Services' Section 8 Landlord Incentive Program.
Under the terms of Section 63J-1-603 of the Utah Code, the Legislature intends that funds
appropriated to the Department of Workforce Services under this item shall not lapse at the
close of fiscal year 2023.

ITEM 3
To Department of Workforce Services -- Olene Walker Housing Loan Fund
   From General Fund, One-time $50,000,000
   Schedule of Programs:
       Olene Walker Housing Loan Fund $50,000,000
The Legislature intends that the Department of Workforce Services use funds
appropriated under this item to provide gap financing for tax credit projects and to offset
related administrative costs under Section 35A-8-504.

ITEM 4
To Department of Workforce Services -- Housing and Community Development
   From General Fund $208,000
   Schedule of Programs:
       Housing Development $208,000
The Legislature intends that the Department of Workforce Services use funds
appropriated under this item to hire two full-time equivalent employees.

ITEM 5
To Department of Workforce Services -- Administration
   From General Fund $132,000
   Schedule of Programs:
       Administrative Support $132,000
The Legislature intends that the Department of Workforce Services use funds
appropriated under this item to hire one full-time equivalent employee.

ITEM 6
To Department of Workforce Services -- Housing and Community Development
   From General Fund, One-time $250,000
   Schedule of Programs:
The Legislature intends that the Department of Workforce Services distribute funds appropriated under this item to a nonprofit entity in the state that provides training and education on land use law. The Legislature intends that the Department of Workforce Services follow the provisions of Title 63G, Chapter 6a, Utah Procurement Code, in selecting the recipient entity.

The Legislature intends that the recipient entity use funds distributed from the Department of Workforce Services under this item to provide regional land use training and workshops to local officials and policymakers on housing issues.

ITEM 7
To Department of Workforce Services -- Housing and Community Development

From General Fund, One-time $250,000

Schedule of Programs:
Housing Development $250,000

The Legislature intends that the Department of Workforce Services distribute funds appropriated under this item to a nonprofit entity in the state that engages in efforts to increase housing affordability through local zoning and housing regulation reform. The Legislature intends that the Department of Workforce Services follow the provisions of Title 63G, Chapter 6a, Utah Procurement Code, in selecting the recipient entity.

ITEM 8
To Department of Workforce Services -- Rural Housing Fund

From General Fund, One-time $50,000,000

Schedule of Programs:
Rural Housing Fund $50,000,000

The Legislature intends that the Department of Workforce Services use funds appropriated under this item to provide loans and to offset administrative costs under Section 35A-8-509.5.

ITEM 9
To Governor's Office of Economic Opportunity -- Pass-Through

From General Fund, One-time $3,000,000

Schedule of Programs:
The Legislature intends that the Governor's Office of Economic Opportunity distribute $1,000,000 of the funds appropriated under this item in fiscal years 2023, 2024, and 2025 to a statewide business association that provides matching funds. The Legislature intends that the Governor's Office of Economic Opportunity follow the provisions of Title 63G, Chapter 6a, Utah Procurement Code, in selecting the recipient entity. The Legislature intends that the recipient entity use funds distributed from the Governor's Office of Economic Opportunity under this item to develop and implement a statewide marketing and outreach campaign to educate the business community on the impacts of housing affordability and other housing issues on workforce needs and business development. Under the terms of Section 63J-1-603 of the Utah Code, the Legislature intends that funds appropriated to the Governor's Office of Economic Opportunity under this item shall not lapse at the close of fiscal year 2023. This bill repeals:

Section 10-8-85.4, Ordinances regarding short-term rentals -- Prohibition on ordinances restricting speech on short-term rental websites.

Section 17-50-338, Ordinances regarding short-term rentals -- Prohibition on ordinances restricting speech on short-term rental websites.