

**Representative Steve Waldrip** proposes the following substitute bill:

**UTAH HOUSING AFFORDABILITY AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Waldrip**

Senate Sponsor: Jacob L. Anderegg

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**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, or are required to select, for implementation as part of the moderate income housing element of the political subdivision's general plan;
- ▶ requires certain municipalities to develop and adopt station area plans for specified areas surrounding public transit stations;
- ▶ 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



- 26 Department of Workforce Services (department);
- 27 ▶ allows a political subdivision to have priority consideration for certain funds or
  - 28 projects if the political subdivision demonstrates plans to implement a certain
  - 29 number of moderate income housing strategies;
  - 30 ▶ prohibits a political subdivision from receiving certain funds if the political
  - 31 subdivision fails to comply with moderate income housing reporting requirements;
  - 32 ▶ requires a political subdivision to require the owner of a dwelling to obtain a license
  - 33 or permit for renting internal accessory dwelling units;
  - 34 ▶ allows a political subdivision to require certain physical changes for internal
  - 35 accessory dwelling units constructed before a specified date;
  - 36 ▶ limits a political subdivision's ability to impose certain requirements on internal
  - 37 accessory dwelling units constructed before a specified date;
  - 38 ▶ prohibits a political subdivision from imposing impact fees for the construction of
  - 39 certain internal accessory dwelling units;
  - 40 ▶ requires the Point of the Mountain State Land Authority to ensure that a certain
  - 41 percentage of the proposed housing units within the point of the mountain state land
  - 42 are dedicated to affordable housing and to report annually to the Unified Economic
  - 43 Opportunity Commission;
  - 44 ▶ modifies requirements for a public transit district to participate in a transit-oriented
  - 45 development;
  - 46 ▶ modifies local referenda signature requirements for local land use laws that relate to
  - 47 the use of land within certain transit areas;
  - 48 ▶ limits the referability to voters of local land use laws that relate to the use of land
  - 49 within certain transit areas;
  - 50 ▶ requires the division to develop a statewide database of moderate income housing
  - 51 units;
  - 52 ▶ requires the division to develop a methodology for determining whether a political
  - 53 subdivision is complying with certain moderate income housing requirements, to be
  - 54 submitted to and approved by the Commission on Housing Affordability by a
  - 55 certain date;
  - 56 ▶ modifies the membership of the Olene Walker Housing Loan Fund Board;

- 57           ▶ requires an entity that receives any money from the Olene Walker Housing Loan  
58 Fund after a certain date to provide an annual accounting to the department;
- 59           ▶ repeals certain limits on the amount of money the department may distribute from  
60 the Economic Revitalization and Investment Fund;
- 61           ▶ establishes the Rural Housing Fund, to be used by the division to provide loans for  
62 certain moderate income housing projects in rural areas;
- 63           ▶ allows the department to use a certain amount of money from specified funds to  
64 offset administrative costs;
- 65           ▶ allows the Private Activity Bond Review Board to transfer certain unused allotment  
66 account funds to any other allotment account, and exempts such funds from certain  
67 set aside requirements;
- 68           ▶ allows state entities, in addition to political subdivisions, to grant real property for  
69 certain developments that include moderate income housing;
- 70           ▶ allows the Governor's Office of Economic Opportunity to use funds from the  
71 Industrial Assistance Account to provide financial assistance to entities offering  
72 technical assistance to municipalities for planning; and
- 73           ▶ makes technical and conforming changes.

74 **Money Appropriated in this Bill:**

75           This bill appropriates in fiscal year 2023:

- 76           ▶ to Department of Workforce Services -- Housing and Community Development, as  
77 a one-time appropriation:
- 78           • from the General Fund, \$500,000;
- 79           ▶ to Department of Workforce Services -- Housing and Community Development, as  
80 a one-time appropriation:
- 81           • from the General Fund, \$750,000;
- 82           ▶ to Department of Workforce Services -- Administration, as an ongoing  
83 appropriation:
- 84           • from the General Fund, \$132,000;
- 85           ▶ to Department of Workforce Services -- Housing and Community Development, as  
86 a one-time appropriation:
- 87           • from the General Fund, \$250,000;

88           ▶ to Department of Workforce Services -- Housing and Community Development, as  
89 a one-time appropriation:

90           • from the General Fund, \$250,000; and

91           ▶ to Department of Commerce -- Commerce General Regulation, as an ongoing  
92 appropriation:

93           • from General Fund Restricted - Commerce Service Account, \$250,000.

94 **Other Special Clauses:**

95           This bill provides a special effective date.

96 **Utah Code Sections Affected:**

97 AMENDS:

- 98           **10-9a-103**, as last amended by Laws of Utah 2021, Chapters 140 and 385  
99           **10-9a-401**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3  
100           **10-9a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3  
101           **10-9a-404**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3  
102           **10-9a-408**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3  
103           **10-9a-509**, as last amended by Laws of Utah 2021, Chapters 140 and 385  
104           **10-9a-511.5**, as last amended by Laws of Utah 2021, Chapter 102  
105           **10-9a-530**, as enacted by Laws of Utah 2021, Chapter 102  
106           **11-36a-202**, as last amended by Laws of Utah 2021, Chapter 35  
107           **11-59-203**, as enacted by Laws of Utah 2018, Chapter 388  
108           **17-27a-103**, as last amended by Laws of Utah 2021, Chapters 140, 363, and 385  
109           **17-27a-401**, as last amended by Laws of Utah 2021, Chapter 363  
110           **17-27a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3  
111           **17-27a-404**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355  
112           **17-27a-408**, as last amended by Laws of Utah 2020, Chapter 434  
113           **17-27a-508**, as last amended by Laws of Utah 2021, Chapters 140 and 385  
114           **17-27a-510.5**, as last amended by Laws of Utah 2021, Chapter 102  
115           **17-27a-526**, as enacted by Laws of Utah 2021, Chapter 102  
116           **17B-2a-802**, as last amended by Laws of Utah 2020, Chapter 377  
117           **17B-2a-804**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4  
118           **20A-7-601**, as last amended by Laws of Utah 2021, Chapter 140

- 119            **20A-7-602.8**, as last amended by Laws of Utah 2021, Chapter 418
- 120            **35A-8-101**, as last amended by Laws of Utah 2021, Chapter 281
- 121            **35A-8-503**, as last amended by Laws of Utah 2019, Chapter 327
- 122            **35A-8-504**, as last amended by Laws of Utah 2020, Chapter 241
- 123            **35A-8-507.5**, as enacted by Laws of Utah 2021, Chapter 333
- 124            **35A-8-508**, as last amended by Laws of Utah 2014, Chapter 371
- 125            **35A-8-509**, as enacted by Laws of Utah 2017, Chapter 279
- 126            **35A-8-510**, as enacted by Laws of Utah 2017, Chapter 279
- 127            **35A-8-511**, as enacted by Laws of Utah 2017, Chapter 279
- 128            **35A-8-512**, as enacted by Laws of Utah 2017, Chapter 279
- 129            **35A-8-513**, as enacted by Laws of Utah 2017, Chapter 279
- 130            **35A-8-803**, as last amended by Laws of Utah 2019, Chapter 327
- 131            **35A-8-2105**, as renumbered and amended by Laws of Utah 2018, Chapter 182
- 132            **35A-8-2106**, as renumbered and amended by Laws of Utah 2018, Chapter 182
- 133            **35A-8-2203**, as enacted by Laws of Utah 2018, Chapter 392
- 134            **63J-4-802**, as enacted by Laws of Utah 2021, First Special Session, Chapter 4
- 135            **72-1-304**, as last amended by Laws of Utah 2021, Chapters 239, 239, 411, and 411
- 136            **72-2-124**, as last amended by Laws of Utah 2021, Chapters 239, 387, and 411

137 ENACTS:

- 138            **10-9a-403.1**, Utah Code Annotated 1953
- 139            **35A-8-509.5**, Utah Code Annotated 1953
- 140            **63L-12-101**, Utah Code Annotated 1953
- 141            **63N-3-113**, Utah Code Annotated 1953

142 RENUMBERS AND AMENDS:

- 143            **63L-12-102**, (Renumbered from 10-8-501, as enacted by Laws of Utah 2021, Chapter
- 144            333)



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

147            Section 1. Section **10-9a-103** is amended to read:

148            **10-9a-103. Definitions.**

149            As used in this chapter:

150 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
151 detached from a primary single-family dwelling and contained on one lot.

152 (2) "Adversely affected party" means a person other than a land use applicant who:

153 (a) owns real property adjoining the property that is the subject of a land use  
154 application or land use decision; or

155 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
156 general community as a result of the land use decision.

157 (3) "Affected entity" means a county, municipality, local district, special service  
158 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
159 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
160 public utility, property owner, property owners association, or the Utah Department of  
161 Transportation, if:

162 (a) the entity's services or facilities are likely to require expansion or significant  
163 modification because of an intended use of land;

164 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
165 plan; or

166 (c) the entity has filed with the municipality a request for notice during the same  
167 calendar year and before the municipality provides notice to an affected entity in compliance  
168 with a requirement imposed under this chapter.

169 (4) "Affected owner" means the owner of real property that is:

170 (a) a single project;

171 (b) the subject of a land use approval that sponsors of a referendum timely challenged  
172 in accordance with Subsection 20A-7-601~~(5)~~(6); and

173 (c) determined to be legally referable under Section 20A-7-602.8.

174 (5) "Appeal authority" means the person, board, commission, agency, or other body  
175 designated by ordinance to decide an appeal of a decision of a land use application or a  
176 variance.

177 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
178 residential property if the sign is designed or intended to direct attention to a business, product,  
179 or service that is not sold, offered, or existing on the property where the sign is located.

180 (7) (a) "Charter school" means:

- 181 (i) an operating charter school;
- 182 (ii) a charter school applicant that a charter school authorizer approves in accordance  
183 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 184 (iii) an entity that is working on behalf of a charter school or approved charter  
185 applicant to develop or construct a charter school building.
- 186 (b) "Charter school" does not include a therapeutic school.
- 187 (8) "Conditional use" means a land use that, because of the unique characteristics or  
188 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land  
189 uses, may not be compatible in some areas or may be compatible only if certain conditions are  
190 required that mitigate or eliminate the detrimental impacts.
- 191 (9) "Constitutional taking" means a governmental action that results in a taking of  
192 private property so that compensation to the owner of the property is required by the:
- 193 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or  
194 (b) Utah Constitution Article I, Section 22.
- 195 (10) "Culinary water authority" means the department, agency, or public entity with  
196 responsibility to review and approve the feasibility of the culinary water system and sources for  
197 the subject property.
- 198 (11) "Development activity" means:
- 199 (a) any construction or expansion of a building, structure, or use that creates additional  
200 demand and need for public facilities;
- 201 (b) any change in use of a building or structure that creates additional demand and need  
202 for public facilities; or
- 203 (c) any change in the use of land that creates additional demand and need for public  
204 facilities.
- 205 (12) (a) "Development agreement" means a written agreement or amendment to a  
206 written agreement between a municipality and one or more parties that regulates or controls the  
207 use or development of a specific area of land.
- 208 (b) "Development agreement" does not include an improvement completion assurance.
- 209 (13) (a) "Disability" means a physical or mental impairment that substantially limits  
210 one or more of a person's major life activities, including a person having a record of such an  
211 impairment or being regarded as having such an impairment.

212 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
213 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
214 802.

215 (14) "Educational facility":

216 (a) means:

217 (i) a school district's building at which pupils assemble to receive instruction in a  
218 program for any combination of grades from preschool through grade 12, including  
219 kindergarten and a program for children with disabilities;

220 (ii) a structure or facility:

221 (A) located on the same property as a building described in Subsection (14)(a)(i); and

222 (B) used in support of the use of that building; and

223 (iii) a building to provide office and related space to a school district's administrative  
224 personnel; and

225 (b) does not include:

226 (i) land or a structure, including land or a structure for inventory storage, equipment  
227 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

228 (A) not located on the same property as a building described in Subsection (14)(a)(i);  
229 and

230 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

231 (ii) a therapeutic school.

232 (15) "Fire authority" means the department, agency, or public entity with responsibility  
233 to review and approve the feasibility of fire protection and suppression services for the subject  
234 property.

235 (16) "Flood plain" means land that:

236 (a) is within the 100-year flood plain designated by the Federal Emergency  
237 Management Agency; or

238 (b) has not been studied or designated by the Federal Emergency Management Agency  
239 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
240 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
241 Federal Emergency Management Agency.

242 (17) "General plan" means a document that a municipality adopts that sets forth general



243 guidelines for proposed future development of the land within the municipality.

244 (18) "Geologic hazard" means:

245 (a) a surface fault rupture;

246 (b) shallow groundwater;

247 (c) liquefaction;

248 (d) a landslide;

249 (e) a debris flow;

250 (f) unstable soil;

251 (g) a rock fall; or

252 (h) any other geologic condition that presents a risk:

253 (i) to life;

254 (ii) of substantial loss of real property; or

255 (iii) of substantial damage to real property.

256 (19) "Historic preservation authority" means a person, board, commission, or other  
257 body designated by a legislative body to:

258 (a) recommend land use regulations to preserve local historic districts or areas; and

259 (b) administer local historic preservation land use regulations within a local historic  
260 district or area.

261 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
262 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other  
263 utility system.

264 (21) "Identical plans" means building plans submitted to a municipality that:

265 (a) are clearly marked as "identical plans";

266 (b) are substantially identical to building plans that were previously submitted to and  
267 reviewed and approved by the municipality; and

268 (c) describe a building that:

269 (i) is located on land zoned the same as the land on which the building described in the  
270 previously approved plans is located;

271 (ii) is subject to the same geological and meteorological conditions and the same law  
272 as the building described in the previously approved plans;

273 (iii) has a floor plan identical to the building plan previously submitted to and reviewed

274 and approved by the municipality; and

275 (iv) does not require any additional engineering or analysis.

276 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
277 Impact Fees Act.

278 (23) "Improvement completion assurance" means a surety bond, letter of credit,  
279 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
280 by a municipality to guaranty the proper completion of landscaping or an infrastructure  
281 improvement required as a condition precedent to:

282 (a) recording a subdivision plat; or

283 (b) development of a commercial, industrial, mixed use, or multifamily project.

284 (24) "Improvement warranty" means an applicant's unconditional warranty that the  
285 applicant's installed and accepted landscaping or infrastructure improvement:

286 (a) complies with the municipality's written standards for design, materials, and  
287 workmanship; and

288 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
289 within the improvement warranty period.

290 (25) "Improvement warranty period" means a period:

291 (a) no later than one year after a municipality's acceptance of required landscaping; or

292 (b) no later than one year after a municipality's acceptance of required infrastructure,  
293 unless the municipality:

294 (i) determines for good cause that a one-year period would be inadequate to protect the  
295 public health, safety, and welfare; and

296 (ii) has substantial evidence, on record:

297 (A) of prior poor performance by the applicant; or

298 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
299 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

300 (26) "Infrastructure improvement" means permanent infrastructure that is essential for  
301 the public health and safety or that:

302 (a) is required for human occupation; and

303 (b) an applicant must install:

304 (i) in accordance with published installation and inspection specifications for public

305 improvements; and

306 (ii) whether the improvement is public or private, as a condition of:

307 (A) recording a subdivision plat;

308 (B) obtaining a building permit; or

309 (C) development of a commercial, industrial, mixed use, condominium, or multifamily  
310 project.

311 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted  
312 designation that:

313 (a) runs with the land; and

314 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
315 the plat; or

316 (ii) designates a development condition that is enclosed within the perimeter of a lot  
317 described on the plat.

318 (28) "Land use applicant" means a property owner, or the property owner's designee,  
319 who submits a land use application regarding the property owner's land.

320 (29) "Land use application":

321 (a) means an application that is:

322 (i) required by a municipality; and

323 (ii) submitted by a land use applicant to obtain a land use decision; and

324 (b) does not mean an application to enact, amend, or repeal a land use regulation.

325 (30) "Land use authority" means:

326 (a) a person, board, commission, agency, or body, including the local legislative body,  
327 designated by the local legislative body to act upon a land use application; or

328 (b) if the local legislative body has not designated a person, board, commission,  
329 agency, or body, the local legislative body.

330 (31) "Land use decision" means an administrative decision of a land use authority or  
331 appeal authority regarding:

332 (a) a land use permit;

333 (b) a land use application; or

334 (c) the enforcement of a land use regulation, land use permit, or development  
335 agreement.

- 336 (32) "Land use permit" means a permit issued by a land use authority.
- 337 (33) "Land use regulation":
- 338 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 339 specification, fee, or rule that governs the use or development of land;
- 340 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 341 and
- 342 (c) does not include:
- 343 (i) a land use decision of the legislative body acting as the land use authority, even if
- 344 the decision is expressed in a resolution or ordinance; or
- 345 (ii) a temporary revision to an engineering specification that does not materially:
- 346 (A) increase a land use applicant's cost of development compared to the existing
- 347 specification; or
- 348 (B) impact a land use applicant's use of land.
- 349 (34) "Legislative body" means the municipal council.
- 350 (35) "Local district" means an entity under Title 17B, Limited Purpose Local
- 351 Government Entities - Local Districts, and any other governmental or quasi-governmental
- 352 entity that is not a county, municipality, school district, or the state.
- 353 (36) "Local historic district or area" means a geographically definable area that:
- 354 (a) contains any combination of buildings, structures, sites, objects, landscape features,
- 355 archeological sites, or works of art that contribute to the historic preservation goals of a
- 356 legislative body; and
- 357 (b) is subject to land use regulations to preserve the historic significance of the local
- 358 historic district or area.
- 359 (37) "Lot" means a tract of land, regardless of any label, that is created by and shown
- 360 on a subdivision plat that has been recorded in the office of the county recorder.
- 361 (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
- 362 adjoining lots or between a lot and adjoining parcels in accordance with Section [10-9a-608](#):
- 363 (i) whether or not the lots are located in the same subdivision; and
- 364 (ii) with the consent of the owners of record.
- 365 (b) "Lot line adjustment" does not mean a new boundary line that:
- 366 (i) creates an additional lot; or

367 (ii) constitutes a subdivision.

368 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
369 Department of Transportation.

370 (39) "Major transit investment corridor" means public transit service that uses or  
371 occupies:

372 (a) public transit rail right-of-way;

373 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

374 or

375 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
376 municipality or county and:

377 (i) a public transit district as defined in Section [17B-2a-802](#); or

378 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

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

382 (41) "Municipal utility easement" means an easement that:

383 (a) is created or depicted on a plat recorded in a county recorder's office and is  
384 described as a municipal utility easement granted for public use;

385 (b) is not a protected utility easement or a public utility easement as defined in Section  
386 [54-3-27](#);

387 (c) the municipality or the municipality's affiliated governmental entity uses and  
388 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm  
389 water, or communications or data lines;

390 (d) is used or occupied with the consent of the municipality in accordance with an  
391 authorized franchise or other agreement;

392 (e) (i) is used or occupied by a specified public utility in accordance with an authorized  
393 franchise or other agreement; and

394 (ii) is located in a utility easement granted for public use; or

395 (f) is described in Section [10-9a-529](#) and is used by a specified public utility.

396 (42) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
397 spent and expenses incurred in:

398 (a) verifying that building plans are identical plans; and  
399 (b) reviewing and approving those minor aspects of identical plans that differ from the  
400 previously reviewed and approved building plans.

401 (43) "Noncomplying structure" means a structure that:

402 (a) legally existed before the structure's current land use designation; and  
403 (b) because of one or more subsequent land use ordinance changes, does not conform  
404 to the setback, height restrictions, or other regulations, excluding those regulations, which  
405 govern the use of land.

406 (44) "Nonconforming use" means a use of land that:

407 (a) legally existed before its current land use designation;  
408 (b) has been maintained continuously since the time the land use ordinance governing  
409 the land changed; and  
410 (c) because of one or more subsequent land use ordinance changes, does not conform  
411 to the regulations that now govern the use of the land.

412 (45) "Official map" means a map drawn by municipal authorities and recorded in a  
413 county recorder's office that:

414 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
415 highways and other transportation facilities;  
416 (b) provides a basis for restricting development in designated rights-of-way or between  
417 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
418 the land; and  
419 (c) has been adopted as an element of the municipality's general plan.

420 (46) "Parcel" means any real property that is not a lot.

421 (47) (a) "Parcel boundary adjustment" means a recorded agreement between owners of  
422 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line  
423 agreement in accordance with Section [10-9a-524](#), if no additional parcel is created and:

424 (i) none of the property identified in the agreement is a lot; or  
425 (ii) the adjustment is to the boundaries of a single person's parcels.

426 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary  
427 line that:

428 (i) creates an additional parcel; or

429 (ii) constitutes a subdivision.

430 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by  
431 the Department of Transportation.

432 (48) "Person" means an individual, corporation, partnership, organization, association,  
433 trust, governmental agency, or any other legal entity.

434 (49) "Plan for moderate income housing" means a written document adopted by a  
435 municipality's legislative body that includes:

436 (a) an estimate of the existing supply of moderate income housing located within the  
437 municipality;

438 (b) an estimate of the need for moderate income housing in the municipality for the  
439 next five years;

440 (c) a survey of total residential land use;

441 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
442 income housing; and

443 (e) a description of the municipality's program to encourage an adequate supply of  
444 moderate income housing.

445 (50) "Plat" means an instrument subdividing property into lots as depicted on a map or  
446 other graphical representation of lands that a licensed professional land surveyor makes and  
447 prepares in accordance with Section [10-9a-603](#) or [57-8-13](#).

448 (51) "Potential geologic hazard area" means an area that:

449 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
450 relevant map or report as needing further study to determine the area's potential for geologic  
451 hazard; or

452 (b) has not been studied by the Utah Geological Survey or a county geologist but  
453 presents the potential of geologic hazard because the area has characteristics similar to those of  
454 a designated geologic hazard area.

455 (52) "Public agency" means:

456 (a) the federal government;

457 (b) the state;

458 (c) a county, municipality, school district, local district, special service district, or other  
459 political subdivision of the state; or

460 (d) a charter school.

461 (53) "Public hearing" means a hearing at which members of the public are provided a  
462 reasonable opportunity to comment on the subject of the hearing.

463 (54) "Public meeting" means a meeting that is required to be open to the public under  
464 Title 52, Chapter 4, Open and Public Meetings Act.

465 (55) "Public street" means a public right-of-way, including a public highway, public  
466 avenue, public boulevard, public parkway, public road, public lane, public alley, public  
467 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
468 easement, or other public way.

469 (56) "Receiving zone" means an area of a municipality that the municipality  
470 designates, by ordinance, as an area in which an owner of land may receive a transferable  
471 development right.

472 (57) "Record of survey map" means a map of a survey of land prepared in accordance  
473 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

474 (58) "Residential facility for persons with a disability" means a residence:

475 (a) in which more than one person with a disability resides; and

476 (b) (i) which is licensed or certified by the Department of Human Services under Title  
477 62A, Chapter 2, Licensure of Programs and Facilities; or

478 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
479 21, Health Care Facility Licensing and Inspection Act.

480 (59) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
481 public meeting:

482 (a) parliamentary order and procedure;

483 (b) ethical behavior; and

484 (c) civil discourse.

485 (60) "Sanitary sewer authority" means the department, agency, or public entity with  
486 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
487 wastewater systems.

488 (61) "Sending zone" means an area of a municipality that the municipality designates,  
489 by ordinance, as an area from which an owner of land may transfer a transferable development  
490 right.



491 (62) "Specified public agency" means:

492 (a) the state;

493 (b) a school district; or

494 (c) a charter school.

495 (63) "Specified public utility" means an electrical corporation, gas corporation, or  
496 telephone corporation, as those terms are defined in Section [54-2-1](#).

497 (64) "State" includes any department, division, or agency of the state.

498 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
499 divided into two or more lots or other division of land for the purpose, whether immediate or  
500 future, for offer, sale, lease, or development either on the installment plan or upon any and all  
501 other plans, terms, and conditions.

502 (b) "Subdivision" includes:

503 (i) the division or development of land, whether by deed, metes and bounds  
504 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
505 the division includes all or a portion of a parcel or lot; and

506 (ii) except as provided in Subsection (65)(c), divisions of land for residential and  
507 nonresidential uses, including land used or to be used for commercial, agricultural, and  
508 industrial purposes.

509 (c) "Subdivision" does not include:

510 (i) a bona fide division or partition of agricultural land for the purpose of joining one of  
511 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
512 neither the resulting combined parcel nor the parcel remaining from the division or partition  
513 violates an applicable land use ordinance;

514 (ii) a boundary line agreement recorded with the county recorder's office between  
515 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
516 [10-9a-524](#) if no new parcel is created;

517 (iii) a recorded document, executed by the owner of record:

518 (A) revising the legal descriptions of multiple parcels into one legal description  
519 encompassing all such parcels; or

520 (B) joining a lot to a parcel;

521 (iv) a boundary line agreement between owners of adjoining subdivided properties

522 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:

523 (A) no new dwelling lot or housing unit will result from the adjustment; and

524 (B) the adjustment will not violate any applicable land use ordinance;

525 (v) a bona fide division of land by deed or other instrument if the deed or other

526 instrument states in writing that the division:

527 (A) is in anticipation of future land use approvals on the parcel or parcels;

528 (B) does not confer any land use approvals; and

529 (C) has not been approved by the land use authority;

530 (vi) a parcel boundary adjustment;

531 (vii) a lot line adjustment;

532 (viii) a road, street, or highway dedication plat;

533 (ix) a deed or easement for a road, street, or highway purpose; or

534 (x) any other division of land authorized by law.

535 (66) "Subdivision amendment" means an amendment to a recorded subdivision in

536 accordance with Section 10-9a-608 that:

537 (a) vacates all or a portion of the subdivision;

538 (b) alters the outside boundary of the subdivision;

539 (c) changes the number of lots within the subdivision;

540 (d) alters a public right-of-way, a public easement, or public infrastructure within the

541 subdivision; or

542 (e) alters a common area or other common amenity within the subdivision.

543 (67) "Substantial evidence" means evidence that:

544 (a) is beyond a scintilla; and

545 (b) a reasonable mind would accept as adequate to support a conclusion.

546 (68) "Suspect soil" means soil that has:

547 (a) a high susceptibility for volumetric change, typically clay rich, having more than a

548 3% swell potential;

549 (b) bedrock units with high shrink or swell susceptibility; or

550 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

551 commonly associated with dissolution and collapse features.

552 (69) "Therapeutic school" means a residential group living facility:

- 553 (a) for four or more individuals who are not related to:
- 554 (i) the owner of the facility; or
- 555 (ii) the primary service provider of the facility;
- 556 (b) that serves students who have a history of failing to function:
- 557 (i) at home;
- 558 (ii) in a public school; or
- 559 (iii) in a nonresidential private school; and
- 560 (c) that offers:
- 561 (i) room and board; and
- 562 (ii) an academic education integrated with:
- 563 (A) specialized structure and supervision; or
- 564 (B) services or treatment related to a disability, an emotional development, a
- 565 behavioral development, a familial development, or a social development.
- 566 (70) "Transferable development right" means a right to develop and use land that
- 567 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 568 land use rights from a designated sending zone to a designated receiving zone.
- 569 (71) "Unincorporated" means the area outside of the incorporated area of a city or
- 570 town.
- 571 (72) "Water interest" means any right to the beneficial use of water, including:
- 572 (a) each of the rights listed in Section 73-1-11; and
- 573 (b) an ownership interest in the right to the beneficial use of water represented by:
- 574 (i) a contract; or
- 575 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 576 (73) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 577 land use zones, overlays, or districts.
- 578 Section 2. Section 10-9a-401 is amended to read:
- 579 **10-9a-401. General plan required -- Content.**
- 580 (1) In order to accomplish the purposes of this chapter, each municipality shall prepare
- 581 and adopt a comprehensive, long-range general plan for:
- 582 (a) present and future needs of the municipality; and
- 583 (b) growth and development of all or any part of the land within the municipality.

584 (2) The general plan may provide for:

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

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

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

590 (i) food and water; and

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

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

593 (e) the protection of urban development;

594 (f) if the municipality is a town, the protection or promotion of moderate income  
595 housing;

596 (g) the protection and promotion of air quality;

597 (h) historic preservation;

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

600 (j) an official map.

601 ~~[(3)(a) The general plan of a municipality, other than a town, shall plan for moderate  
602 income housing growth.]~~

603 ~~[(b) On or before December 1, 2019, each of the following that have a general plan that  
604 does not comply with Subsection (3)(a) shall amend the general plan to comply with  
605 Subsection (3)(a):]~~

606 ~~[(i) a city of the first, second, third, or fourth class;]~~

607 ~~[(ii) a city of the fifth class with a population of 5,000 or more, if the city is located  
608 within a county of the first, second, or third class; and]~~

609 ~~[(iii) a metro township with a population of 5,000 or more.]~~

610 ~~[(c) The population figures described in Subsections (3)(b)(ii) and (iii) shall be derived  
611 from:]~~

612 ~~[(i) the most recent official census or census estimate of the United States Census  
613 Bureau; or]~~

614 ~~[(ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the~~

615 ~~Utah Population Committee.]~~

616 (3) (a) The general plan of a specified municipality, as defined in Section [10-9a-408](#),  
617 shall include a moderate income housing element that meets the requirements of Subsection  
618 [10-9a-403\(2\)\(a\)\(iii\)](#).

619 (b) On or before October 1, 2022, a specified municipality, as defined in Section  
620 [10-9a-408](#), with a general plan that does not comply with Subsection (3)(a) shall amend the  
621 general plan to comply with Subsection (3)(a).

622 (4) Subject to Subsection [10-9a-403\(2\)](#), the municipality may determine the  
623 comprehensiveness, extent, and format of the general plan.

624 Section 3. Section **10-9a-403** is amended to read:

625 **10-9a-403. General plan preparation.**

626 (1) (a) The planning commission shall provide notice, as provided in Section  
627 [10-9a-203](#), of ~~[its]~~ the planning commission's intent to make a recommendation to the  
628 municipal legislative body for a general plan or a comprehensive general plan amendment  
629 when the planning commission initiates the process of preparing ~~[its]~~ the planning  
630 commission's recommendation.

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

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

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

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

643 (i) a land use element that:

644 (A) designates the long-term goals and the proposed extent, general distribution, and  
645 location of land for housing for residents of various income levels, business, industry,

646 agriculture, recreation, education, public buildings and grounds, open space, and other  
647 categories of public and private uses of land as appropriate; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

706 (H) amend land use regulations to eliminate or reduce parking requirements for  
707 residential development where a resident is less likely to rely on the resident's own vehicle,

708 such as residential development near major transit investment corridors or senior living  
709 facilities;

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

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

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

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

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

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

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

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

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

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



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

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

744 ~~[(U) apply for or partner with an entity that applies for programs administered by a~~  
 745 ~~metropolitan planning organization or other transportation agency that provides technical~~  
 746 ~~planning assistance;]~~

747 ~~[(V) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a  
 748 community reinvestment agency, redevelopment agency, or community development and  
 749 renewal agency~~;~~ and to create or subsidize moderate income housing;

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

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

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

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

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

759 (V) develop and adopt a station area plan in accordance with Section [10-9a-403.1](#); and

760 (W) demonstrate implementation of any other program or strategy ~~[implemented by the~~  
 761 ~~municipality]~~ to address the housing needs of residents of the municipality who earn less than  
 762 80% of the area median income, including the dedication of a local funding source to moderate  
 763 income housing, or the adoption of a land use ordinance that requires 10% or more of new  
 764 residential development in a residential zone be dedicated to moderate income housing; and

765 (iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a  
 766 municipality that has a fixed guideway public transit station, shall include a recommendation to  
 767 implement ~~[the strategies];~~

768 (A) the strategy described in Subsection (2)(b)(iii)(V); and

769 (B) a strategy described in Subsection (2)(b)(iii)(G) ~~[or]~~, (H), or (Q).

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

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

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

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

778 [~~(c)~~] (d) In drafting the land use element, the planning commission shall:

779 (i) identify and consider each agriculture protection area within the municipality; [~~and~~]

780 (ii) avoid proposing a use of land within an agriculture protection area that is  
781 inconsistent with or detrimental to the use of the land for agriculture[-]; and

782 (iii) consider and coordinate with any station area plans adopted by the municipality if  
783 required under Section [10-9a-403.1](#).

784 [~~(d)~~] (e) In drafting the transportation and traffic circulation element, the planning  
785 commission shall:

786 (i) (A) consider and coordinate with the regional transportation plan developed by [its]  
787 the region's metropolitan planning organization, if the municipality is within the boundaries of  
788 a metropolitan planning organization; or

789 [~~(ii)~~] (B) consider and coordinate with the long-range transportation plan developed by  
790 the Department of Transportation, if the municipality is not within the boundaries of a  
791 metropolitan planning organization[-]; and

792 (ii) consider and coordinate with any station area plans adopted by the municipality if  
793 required under Section [10-9a-403.1](#).

794 (3) The proposed general plan may include:

795 (a) an environmental element that addresses:

796 (i) the protection, conservation, development, and use of natural resources, including  
797 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,  
798 and other natural resources; and

799 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
800 streams and other waters, regulation of the use of land on hillsides, stream channels and other

801 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
802 protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

808 (i) historic preservation;

809 (ii) the diminution or elimination of a development impediment as defined in Section  
810 [17C-1-102](#); and

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

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

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

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

822 (g) any other element the municipality considers appropriate.

823 Section 4. Section [10-9a-403.1](#) is enacted to read:

824 **[10-9a-403.1](#). Station area plan requirements -- Contents -- Review and  
825 certification by applicable metropolitan planning organization.**

826 (1) As used in this section:

827 (a) "Applicable metropolitan planning organization" means the metropolitan planning  
828 organization that has jurisdiction over the area in which a fixed guideway public transit station  
829 is located.

830 (b) "Applicable public transit district" means the public transit district, as defined in  
831 Section [17B-2a-802](#), of which a fixed guideway public transit station is included.

832 (c) "Existing public transit station" means a fixed guideway public transit station for  
833 which construction begins before May 4, 2022.

834 (d) "Metropolitan planning organization" means an organization established under 23  
835 U.S.C. Sec. 134.

836 (e) "New public transit station" means a fixed guideway public transit station for which  
837 construction begins on or after May 4, 2022.

838 (f) "Qualifying land use application" means a land use application that:

839 (i) involves land located within a station area for an existing public transit station that  
840 provides rail services;

841 (ii) involves land located within a station area for which the municipality has not yet  
842 satisfied the requirements of Subsection (2)(a);

843 (iii) proposes the development of an area greater than five acres;

844 (iv) would require the municipality to amend the municipality's general plan or change  
845 a zoning designation for the land use application to be approved;

846 (v) would require a higher density than the density currently allowed by the  
847 municipality; and

848 (vi) proposes the construction of new residential units, at least 10% of which are  
849 dedicated to moderate income housing.

850 (g) (i) "Station area" means:

851 (A) for a fixed guideway public transit station that provides rail services, the area  
852 within a one-half mile radius of the center of the fixed guideway public transit station platform;  
853 or

854 (B) for a fixed guideway public transit station that provides bus services only, the area  
855 within a one-fourth mile radius of the center of the fixed guideway public transit station  
856 platform.

857 (ii) "Station area" includes any parcel bisected by the radius limitation described in  
858 Subsection (1)(g)(i)(A) or (B).

859 (h) "Station area plan" means a plan that:

860 (i) establishes a vision, and the actions needed to implement that vision, for the  
861 development of land within a station area; and

862 (ii) is developed and adopted in accordance with this section.

863 (2) (a) Subject to the requirements of this section, a municipality that has a fixed  
864 guideway public transit station located within the municipality's boundaries shall, for the  
865 station area:

866 (i) develop and adopt a station area plan; and

867 (ii) adopt any appropriate land use regulations to implement the station area plan.

868 (b) The requirements of Subsection (2)(a) shall be considered satisfied if:

869 (i) (A) the municipality has already taken actions to satisfy the requirements of

870 Subsection (2)(a) for a station area, including actions that involve public and stakeholder

871 engagement processes, market assessments, the creation of a station area vision, planning and

872 implementation activities, capital programs, the adoption of land use regulations, or other

873 similar actions; and

874 (B) the municipality adopts a resolution demonstrating the requirements of Subsection

875 (2)(a) have been satisfied; or

876 (ii) (A) the municipality has determined that conditions exist that make satisfying a

877 portion or all of the requirements of Subsection (2)(a) for a station area impracticable,

878 including conditions that relate to existing development, entitlements, land ownership, land

879 uses that make opportunities for new development and long-term redevelopment infeasible,

880 environmental limitations, market readiness, development impediment conditions, or other

881 similar conditions; and

882 (B) the municipality adopts a resolution describing the conditions that exist to make

883 satisfying the requirements of Subsection (2)(a) impracticable.

884 (c) To the extent that previous actions by a municipality do not satisfy the requirements

885 of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to

886 satisfy those requirements.

887 (3) (a) A municipality that has a new public transit station located within the

888 municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area

889 surrounding the new public transit station before the new public transit station begins transit

890 services.

891 (b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing

892 public transit station located within the municipality's boundaries shall satisfy the requirements

893 of Subsection (2)(a) for the station area surrounding the existing public transit station on or

894 before December 31, 2025.

895 (c) If a municipality has more than four existing public transit stations located within  
896 the municipality's boundaries, the municipality shall:

897 (i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for  
898 two or more station areas located within the municipality; and

899 (ii) on or before December 31 of each year thereafter, satisfy the requirements of  
900 Subsection (2)(a) for no less than two station areas located within the municipality until the  
901 municipality has satisfied the requirements of Subsection (2)(a) for each station area located  
902 within the municipality.

903 (d) (i) Subject to Subsection (3)(d)(ii):

904 (A) if a municipality receives a complete qualifying land use application on or before  
905 July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station  
906 area in which the development is proposed on or before July 1, 2023; and

907 (B) if a municipality receives a complete qualifying land use application after July 1,  
908 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in  
909 which the development is proposed within a 12-month period beginning on the first day of the  
910 month immediately following the month in which the qualifying land use application is  
911 submitted to the municipality.

912 (ii) (A) A municipality is not required to satisfy the requirements of Subsection (2)(a)  
913 for more than two station areas under Subsection (3)(d)(i) within any 12 month period.

914 (B) If a municipality receives more than two complete qualifying land use applications  
915 on or before July 1, 2022, the municipality shall select two station areas for which the  
916 municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection  
917 (3)(d)(i)(A).

918 (iii) If a municipality receives a land use application for a residential use within a  
919 station area for which the municipality has not satisfied the requirements of Subsection (2)(a),  
920 including an application for a building permit, the municipality shall process the land use  
921 application on a first priority basis.

922 (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the  
923 requirements of Subsection (2)(a) for a station area may be extended once for a period of 12  
924 months if:

925 (i) the municipality demonstrates to the applicable metropolitan planning organization  
926 that conditions exist that make satisfying the requirements of Subsection (2)(a) within the  
927 required time period impracticable, despite the municipality's good faith efforts; and

928 (ii) the applicable metropolitan planning organization certifies to the municipality in  
929 writing that the municipality satisfied Subsection (3)(e)(i).

930 (4) (a) Except as provided in Subsection (4)(b), if a station area is included within the  
931 boundaries of more than one municipality, each municipality with jurisdiction over the station  
932 area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over  
933 which the municipality has jurisdiction.

934 (b) Two or more municipalities with jurisdiction over a station area may coordinate to  
935 develop a shared station area plan for the entire station area.

936 (5) A municipality that has more than one fixed guideway public transit station located  
937 within the municipality may, through an integrated process, develop station area plans for  
938 multiple station areas if the station areas are within close proximity of each other.

939 (6) (a) A municipality that is required to develop and adopt a station area plan under  
940 this section may request technical assistance from the applicable metropolitan planning  
941 organization.

942 (b) An applicable metropolitan planning organization that receives funds from the  
943 Governor's Office of Economic Opportunity under Section [63N-3-113](#) shall, when utilizing the  
944 funds, give priority consideration to requests for technical assistance for station area plans  
945 required under Subsection (3)(d).

946 (7) (a) A station area plan shall promote the following objectives within the station  
947 area:

948 (i) increasing the availability and affordability of housing, including moderate income  
949 housing;

950 (ii) promoting sustainable environmental conditions;

951 (iii) enhancing access to opportunities; and

952 (iv) increasing transportation choices and connections.

953 (b) (i) To promote the objective described in Subsection (7)(a)(i), a municipality may  
954 consider implementing the following actions:

955 (A) aligning the station area plan with the moderate income housing element of the

956 municipality's general plan;

957 (B) providing for densities necessary to facilitate the development of moderate income  
958 housing;

959 (C) providing for affordable costs of living in connection with housing, transportation,  
960 and parking; or

961 (D) any other similar action that promotes the objective described in Subsection  
962 (7)(a)(i).

963 (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may  
964 consider implementing the following actions:

965 (A) conserving water resources through efficient land use;

966 (B) improving air quality by reducing fuel consumption and motor vehicle trips;

967 (C) establishing parks, open spaces, and recreational opportunities; or

968 (D) any other similar action that promotes the objective described in Subsection  
969 (7)(a)(ii).

970 (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may  
971 consider the following actions:

972 (A) maintaining and improving the connections between housing, transit, employment,  
973 education, recreation, and commerce;

974 (B) encouraging mixed-use development;

975 (C) enabling employment and educational opportunities within the station area;

976 (D) encouraging and promoting enhanced broadband connectivity; or

977 (E) any other similar action that promotes the objective described in Subsection  
978 (7)(a)(iii).

979 (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may  
980 consider the following:

981 (A) supporting investment in infrastructure for all modes of transportation;

982 (B) increasing utilization of public transit;

983 (C) encouraging safe streets through the designation of pedestrian walkways and  
984 bicycle lanes;

985 (D) encouraging manageable and reliable traffic conditions;

986 (E) aligning the station area plan with the regional transportation plan of the applicable



987 metropolitan planning organization; or

988 (F) any other similar action that promotes the objective described in Subsection

989 (7)(a)(iv).

990 (8) A station area plan shall include the following components:

991 (a) a station area vision that:

992 (i) is consistent with Subsection (7); and

993 (ii) describes the following:

994 (A) opportunities for the development of land within the station area under existing

995 conditions;

996 (B) constraints on the development of land within the station area under existing

997 conditions;

998 (C) the municipality's objectives for the transportation system within the station area

999 and the future transportation system that meets those objectives;

1000 (D) the municipality's objectives for land uses within the station area and the future

1001 land uses that meet those objectives;

1002 (E) the municipality's objectives for public and open spaces within the station area and

1003 the future public and open spaces that meet those objectives; and

1004 (F) the municipality's objectives for the development of land within the station area and

1005 the future development standards that meet those objectives;

1006 (b) a map that depicts:

1007 (i) the area within the municipality that is subject to the station area plan, provided that

1008 the station area plan may apply to areas outside of the station area; and

1009 (ii) the area where each action is needed to implement the station area plan;

1010 (c) an implementation plan that identifies and describes each action needed within the

1011 next five years to implement the station area plan, and the party responsible for taking each

1012 action, including any actions to:

1013 (i) modify land use regulations;

1014 (ii) make infrastructure improvements;

1015 (iii) modify deeds or other relevant legal documents;

1016 (iv) secure funding or develop funding strategies;

1017 (v) establish design standards for development within the station area; or

1018 (vi) provide environmental remediation;  
1019 (d) a statement that explains how the station area plan promotes the objectives  
1020 described in Subsection (7)(a); and  
1021 (e) as an alternative or supplement to the requirements of Subsection (7) or (8), a  
1022 statement that describes any conditions that would make the following impracticable:  
1023 (i) promoting the objectives described in Subsection (7)(a); or  
1024 (ii) satisfying the requirements of Subsection (8).  
1025 (9) A municipality shall develop a station area plan with the involvement of all  
1026 relevant stakeholders that have an interest in the station area through public outreach and  
1027 community engagement, including:  
1028 (a) other impacted communities;  
1029 (b) the applicable public transit district;  
1030 (c) the applicable metropolitan planning organization;  
1031 (d) the Department of Transportation;  
1032 (e) owners of property within the station area; and  
1033 (f) the municipality's residents and business owners.  
1034 (10) (a) A municipality that is required to develop and adopt a station area plan for a  
1035 station area under this section shall submit to the applicable metropolitan planning organization  
1036 and the applicable public transit district documentation evidencing that the municipality has  
1037 satisfied the requirements of Subsection (2)(a) for the station area, including:  
1038 (i) a station area plan; or  
1039 (ii) a resolution adopted under Subsection (2)(b).  
1040 (b) The applicable metropolitan planning organization, in consultation with the  
1041 applicable public transit district, shall:  
1042 (i) review the documentation submitted under Subsection (10)(a) to determine the  
1043 municipality's compliance with this section; and  
1044 (ii) provide written certification to the municipality if the applicable metropolitan  
1045 planning organization determines that the municipality has satisfied the requirements of  
1046 Subsection (2)(a) for the station area.  
1047 (c) The municipality shall include the certification described in Subsection (10)(b)(ii)  
1048 in the municipality's report to the Department of Workforce Services under Section [10-9a-408](#).

1049 Section 5. Section **10-9a-404** is amended to read:

1050 **10-9a-404. Public hearing by planning commission on proposed general plan or**  
1051 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
1052 **by legislative body.**

1053 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
1054 amend the general plan, the planning commission shall schedule and hold a public hearing on  
1055 the proposed plan or amendment.

1056 (b) The planning commission shall provide notice of the public hearing, as required by  
1057 Section [10-9a-204](#).

1058 (c) After the public hearing, the planning commission may modify the proposed  
1059 general plan or amendment.

1060 (2) The planning commission shall forward the proposed general plan or amendment to  
1061 the legislative body.

1062 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed  
1063 general plan or amendment that it considers appropriate.

1064 (b) If the municipal legislative body rejects the proposed general plan or amendment, it  
1065 may provide suggestions to the planning commission for the planning commission's review and  
1066 recommendation.

1067 (4) The legislative body shall adopt:

1068 (a) a land use element as provided in Subsection [10-9a-403\(2\)\(a\)\(i\)](#);

1069 (b) a transportation and traffic circulation element as provided in Subsection  
1070 [10-9a-403\(2\)\(a\)\(ii\)](#); and

1071 [~~(c) for a municipality, other than a town, after considering the factors included in~~  
1072 ~~Subsection [10-9a-403\(2\)\(b\)\(iii\)](#), a plan to provide a realistic opportunity to meet the need for~~  
1073 ~~additional moderate income housing within the next five years.]~~

1074 (c) for a specified municipality as defined in Section [10-9a-408](#), a moderate income  
1075 housing element as provided in Subsection [10-9a-403\(2\)\(a\)\(iii\)](#).

1076 Section 6. Section **10-9a-408** is amended to read:

1077 **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**  
1078 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

1079 [~~(1) The legislative body of a municipality described in Subsection [10-9a-401\(3\)\(b\)](#)~~

1080 shall annually:]

1081       ~~[(a) review the moderate income housing plan element of the municipality's general~~

1082 ~~plan and implementation of that element of the general plan;]~~

1083       ~~[(b) prepare a report on the findings of the review described in Subsection (1)(a), and]~~

1084       ~~[(c) post the report described in Subsection (1)(b) on the municipality's website.]~~

1085       ~~[(2) The report described in Subsection (1) shall include:]~~

1086       ~~[(a) a revised estimate of the need for moderate income housing in the municipality for~~

1087 ~~the next five years;]~~

1088       ~~[(b) a description of progress made within the municipality to provide moderate~~

1089 ~~income housing, demonstrated by analyzing and publishing data on the number of housing~~

1090 ~~units in the municipality that are at or below:]~~

1091       ~~[(i) 80% of the adjusted median family income;]~~

1092       ~~[(ii) 50% of the adjusted median family income; and]~~

1093       ~~[(iii) 30% of the adjusted median family income;]~~

1094       ~~[(c) a description of any efforts made by the municipality to utilize a moderate income~~

1095 ~~housing set-aside from a community reinvestment agency, redevelopment agency, or~~

1096 ~~community development and renewal agency; and]~~

1097       ~~[(d) a description of how the municipality has implemented any of the~~

1098 ~~recommendations related to moderate income housing described in Subsection~~

1099 ~~10-9a-403(2)(b)(iii).]~~

1100       ~~[(3) The legislative body of each municipality described in Subsection (1) shall send a~~

1101 ~~copy of the report under Subsection (1) to the Department of Workforce Services, the~~

1102 ~~association of governments in which the municipality is located, and, if located within the~~

1103 ~~boundaries of a metropolitan planning organization, the appropriate metropolitan planning~~

1104 ~~organization.]~~

1105       (1) As used in this section:

1106       (a) "Division" means the Housing and Community Development Division within the

1107 Department of Workforce Services.

1108       (b) "Implementation plan" means the implementation plan adopted as part of the

1109 moderate income housing element of a specified municipality's general plan as provided in

1110 Subsection 10-9a-403(2)(c).

- 1111 (c) "Moderate income housing report" or "report" means the report described in  
1112 Subsection (2)(a).
- 1113 (d) "Moderate income housing strategy" means a strategy described in Subsection  
1114 10-9a-403(2)(b)(iii).
- 1115 (e) "Specified municipality" means:
- 1116 (i) a city of the first, second, third, or fourth class;  
1117 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located  
1118 within a county of the first, second, or third class; or  
1119 (iii) a metro township with a population of 5,000 or more.
- 1120 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative  
1121 body of a specified municipality shall annually submit a written moderate income housing  
1122 report to the division.
- 1123 (b) The moderate income housing report submitted in 2022 shall include:
- 1124 (i) a description of each moderate income housing strategy selected by the specified  
1125 municipality for implementation; and  
1126 (ii) an implementation plan.
- 1127 (c) The moderate income housing report submitted in each calendar year after 2022  
1128 shall include:
- 1129 (i) the information required under Subsection (2)(b);  
1130 (ii) a description of each action, whether one-time or ongoing, taken by the specified  
1131 municipality during the previous fiscal year to implement the moderate income housing  
1132 strategies selected by the specified municipality for implementation;  
1133 (iii) a description of each land use regulation or land use decision made by the  
1134 specified municipality during the previous fiscal year to implement the moderate income  
1135 housing strategies, including an explanation of how the land use regulation or land use decision  
1136 supports the specified municipality's efforts to implement the moderate income housing  
1137 strategies;
- 1138 (iv) a description of any barriers encountered by the specified municipality in the  
1139 previous fiscal year in implementing the moderate income housing strategies;
- 1140 (v) information regarding the number of internal and external or detached accessory  
1141 dwelling units located within the specified municipality for which the specified municipality:

- 1142 (A) issued a building permit to construct; or
- 1143 (B) issued a business license to rent;
- 1144 (vi) a description of how the market has responded to the selected moderate income
- 1145 housing strategies, including the number of entitled moderate income housing units or other
- 1146 relevant data; and
- 1147 (vii) any recommendations on how the state can support the specified municipality in
- 1148 implementing the moderate income housing strategies.
- 1149 (d) The moderate income housing report shall be in a form:
- 1150 (i) approved by the division; and
- 1151 (ii) made available by the division on or before July 1 of the year in which the report is
- 1152 required.
- 1153 (3) Within 90 days after the day on which the division receives a specified
- 1154 municipality's moderate income housing report, the division shall:
- 1155 (a) post the report on the division's website;
- 1156 (b) send a copy of the report to the Department of Transportation, the Governor's
- 1157 Office of Planning and Budget, the association of governments in which the specified
- 1158 municipality is located, and, if the specified municipality is located within the boundaries of a
- 1159 metropolitan planning organization, the appropriate metropolitan planning organization; and
- 1160 (c) subject to Subsection (4), review the report to determine compliance with
- 1161 Subsection (2).
- 1162 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the
- 1163 report:
- 1164 (i) includes the information required under Subsection (2)(b);
- 1165 (ii) demonstrates to the division that the specified municipality made plans to
- 1166 implement:
- 1167 (A) three or more moderate income housing strategies if the specified municipality
- 1168 does not have a fixed guideway public transit station; or
- 1169 (B) subject to Subsection [10-9a-403\(2\)\(b\)\(iv\)](#), five or more moderate income housing
- 1170 strategies if the specified municipality has a fixed guideway public transit station; and
- 1171 (iii) is in a form approved by the division.
- 1172 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the

1173 report:  
1174 (i) includes the information required under Subsection (2)(c);  
1175 (ii) demonstrates to the division that the specified municipality made plans to  
1176 implement:  
1177 (A) three or more moderate income housing strategies if the specified municipality  
1178 does not have a fixed guideway public transit station; or  
1179 (B) four or more moderate income housing strategies if the specified municipality has a  
1180 fixed guideway public transit station;  
1181 (iii) is in a form approved by the division; and  
1182 (iv) provides sufficient information for the division to:  
1183 (A) assess the specified municipality's progress in implementing the moderate income  
1184 housing strategies;  
1185 (B) monitor compliance with the specified municipality's implementation plan;  
1186 (C) identify a clear correlation between the specified municipality's land use  
1187 regulations and land use decisions and the specified municipality's efforts to implement the  
1188 moderate income housing strategies; and  
1189 (D) identify how the market has responded to the specified municipality's selected  
1190 moderate income housing strategies.  
1191 (5) (a) A specified municipality qualifies for priority consideration under this  
1192 Subsection (5) if the specified municipality's moderate income housing report:  
1193 (i) complies with Subsection (2); and  
1194 (ii) demonstrates to the division that the specified municipality made plans to  
1195 implement:  
1196 (A) five or more moderate income housing strategies if the specified municipality does  
1197 not have a fixed guideway public transit station; or  
1198 (B) six or more moderate income housing strategies if the specified municipality has a  
1199 fixed guideway public transit station.  
1200 (b) The following apply to a specified municipality described in Subsection (5)(a)  
1201 during the fiscal year immediately following the fiscal year in which the report is required:  
1202 (i) the Transportation Commission may give priority consideration to transportation  
1203 projects located within the boundaries of the specified municipality in accordance with

1204 Subsection 72-1-304(3)(c); and  
1205 (ii) the Governor's Office of Planning and Budget may give priority consideration for  
1206 awarding financial grants to the specified municipality under the COVID-19 Local Assistance  
1207 Matching Grant Program in accordance with Subsection 63J-4-802(6).

1208 (c) Upon determining that a specified municipality qualifies for priority consideration  
1209 under this Subsection (5), the division shall send a notice of prioritization to the legislative  
1210 body of the specified municipality, the Department of Transportation, and the Governor's  
1211 Office of Planning and Budget.

1212 (d) The notice described in Subsection (5)(c) shall:

1213 (i) name the specified municipality that qualifies for priority consideration;

1214 (ii) describe the funds or projects for which the specified municipality qualifies to  
1215 receive priority consideration;

1216 (iii) specify the fiscal year during which the specified municipality qualifies for priority  
1217 consideration; and

1218 (iv) state the basis for the division's determination that the specified municipality  
1219 qualifies for priority consideration.

1220 (6) (a) If the division, after reviewing a specified municipality's moderate income  
1221 housing report, determines that the report does not comply with Subsection (2), the division  
1222 shall send a notice of noncompliance to the legislative body of the specified municipality.

1223 (b) The notice described in Subsection (6)(a) shall:

1224 (i) describe each deficiency in the report and the actions needed to cure each  
1225 deficiency;

1226 (ii) state that the specified municipality has an opportunity to cure the deficiencies  
1227 within 90 days after the day on which the notice is sent; and

1228 (iii) state that failure to cure the deficiencies within 45 days after the day on which the  
1229 notice is sent will result in ineligibility for funds under Subsection (7).

1230 (7) (a) A specified municipality is ineligible for funds under this Subsection (7) if the  
1231 specified municipality:

1232 (i) fails to submit a moderate income housing report to the division; or

1233 (ii) fails to cure the deficiencies in the specified municipality's moderate income  
1234 housing report within 90 days after the day on which the division sent to the specified



1235 municipality a notice of noncompliance under Subsection (6).

1236 (b) The following apply to a specified municipality described in Subsection (7)(a)  
1237 during the fiscal year immediately following the fiscal year in which the report is required:

1238 (i) the executive director of the Department of Transportation may not program funds  
1239 from the Transportation Investment Fund of 2005, including the Transit Transportation  
1240 Investment Fund, to projects located within the boundaries of the specified municipality in  
1241 accordance with Subsection 72-2-124(5); and

1242 (ii) the Governor's Office of Planning and Budget may not award financial grants to the  
1243 specified municipality under the COVID-19 Local Assistance Matching Grant Program in  
1244 accordance with Subsection 63J-4-802(7).

1245 (c) Upon determining that a specified municipality is ineligible for funds under this  
1246 Subsection (7), the division shall send a notice of ineligibility to the legislative body of the  
1247 specified municipality, the Department of Transportation, and the Governor's Office of  
1248 Planning and Budget.

1249 (d) The notice described in Subsection (7)(c) shall:

1250 (i) name the specified municipality that is ineligible for funds;

1251 (ii) describe the funds for which the specified municipality is ineligible to receive;

1252 (iii) specify the fiscal year during which the specified municipality is ineligible for  
1253 funds; and

1254 (iv) state the basis for the division's determination that the specified municipality is  
1255 ineligible for funds.

1256 ~~[(4)]~~ (8) In a civil action seeking enforcement or claiming a violation of this section or  
1257 of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only  
1258 injunctive or other equitable relief.

1259 Section 7. Section 10-9a-509 is amended to read:

1260 **10-9a-509. Applicant's entitlement to land use application approval --**

1261 **Municipality's requirements and limitations -- Vesting upon submission of development**  
1262 **plan and schedule.**

1263 (1) (a) (i) An applicant who has submitted a complete land use application as described  
1264 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive  
1265 review of the application under the land use regulations:

- 1266 (A) in effect on the date that the application is complete; and  
1267 (B) applicable to the application or to the information shown on the application.  
1268 (ii) An applicant is entitled to approval of a land use application if the application  
1269 conforms to the requirements of the applicable land use regulations, land use decisions, and  
1270 development standards in effect when the applicant submits a complete application and pays  
1271 application fees, unless:  
1272 (A) the land use authority, on the record, formally finds that a compelling,  
1273 countervailing public interest would be jeopardized by approving the application and specifies  
1274 the compelling, countervailing public interest in writing; or  
1275 (B) in the manner provided by local ordinance and before the applicant submits the  
1276 application, the municipality formally initiates proceedings to amend the municipality's land  
1277 use regulations in a manner that would prohibit approval of the application as submitted.  
1278 (b) The municipality shall process an application without regard to proceedings the  
1279 municipality initiated to amend the municipality's ordinances as described in Subsection  
1280 (1)(a)(ii)(B) if:  
1281 (i) 180 days have passed since the municipality initiated the proceedings; and  
1282 (ii) the proceedings have not resulted in an enactment that prohibits approval of the  
1283 application as submitted.  
1284 (c) A land use application is considered submitted and complete when the applicant  
1285 provides the application in a form that complies with the requirements of applicable ordinances  
1286 and pays all applicable fees.  
1287 (d) A subsequent incorporation of a municipality or a petition that proposes the  
1288 incorporation of a municipality does not affect a land use application approved by a county in  
1289 accordance with Section [17-27a-508](#).  
1290 (e) The continuing validity of an approval of a land use application is conditioned upon  
1291 the applicant proceeding after approval to implement the approval with reasonable diligence.  
1292 (f) A municipality may not impose on an applicant who has submitted a complete  
1293 application a requirement that is not expressed in:  
1294 (i) this chapter;  
1295 (ii) a municipal ordinance; or  
1296 (iii) a municipal specification for public improvements applicable to a subdivision or

1297 development that is in effect on the date that the applicant submits an application.

1298 (g) A municipality may not impose on a holder of an issued land use permit or a final,  
1299 unexpired subdivision plat a requirement that is not expressed:

1300 (i) in a land use permit;

1301 (ii) on the subdivision plat;

1302 (iii) in a document on which the land use permit or subdivision plat is based;

1303 (iv) in the written record evidencing approval of the land use permit or subdivision  
1304 plat;

1305 (v) in this chapter; or

1306 (vi) in a municipal ordinance.

1307 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance  
1308 of a certificate of occupancy or acceptance of subdivision improvements because of an  
1309 applicant's failure to comply with a requirement that is not expressed:

1310 (i) in the building permit or subdivision plat, documents on which the building permit  
1311 or subdivision plat is based, or the written record evidencing approval of the land use permit or  
1312 subdivision plat; or

1313 (ii) in this chapter or the municipality's ordinances.

1314 (i) A municipality may not unreasonably withhold issuance of a certificate of  
1315 occupancy where an applicant has met all requirements essential for the public health, public  
1316 safety, and general welfare of the occupants, in accordance with this chapter, unless:

1317 (i) the applicant and the municipality have agreed in a written document to the  
1318 withholding of a certificate of occupancy; or

1319 (ii) the applicant has not provided a financial assurance for required and uncompleted  
1320 landscaping or infrastructure improvements in accordance with an applicable ordinance that the  
1321 legislative body adopts under this chapter.

1322 (2) A municipality is bound by the terms and standards of applicable land use  
1323 regulations and shall comply with mandatory provisions of those regulations.

1324 (3) A municipality may not, as a condition of land use application approval, require a  
1325 person filing a land use application to obtain documentation regarding a school district's  
1326 willingness, capacity, or ability to serve the development proposed in the land use application.

1327 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on

1328 which a subdivision plat is recorded, a municipality may not impose on a building permit  
1329 applicant for a single-family dwelling located within the subdivision any land use regulation  
1330 that is enacted within 10 years after the day on which the subdivision plat is recorded.

1331 (b) Subsection (4)(a) does not apply to any changes in the requirements of the  
1332 applicable building code, health code, or fire code, or other similar regulations.

1333 (5) Upon a specified public agency's submission of a development plan and schedule as  
1334 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the  
1335 specified public agency vests in the municipality's applicable land use maps, zoning map,  
1336 hookup fees, impact fees, other applicable development fees, and land use regulations in effect  
1337 on the date of submission.

1338 (6) (a) If sponsors of a referendum timely challenge a project in accordance with  
1339 Subsection 20A-7-601~~(5)~~(6), the project's affected owner may rescind the project's land use  
1340 approval by delivering a written notice:

1341 (i) to the local clerk as defined in Section 20A-7-101; and

1342 (ii) no later than seven days after the day on which a petition for a referendum is  
1343 determined sufficient under Subsection 20A-7-607(4).

1344 (b) Upon delivery of a written notice described in Subsection (6)(a) the following are  
1345 rescinded and are of no further force or effect:

1346 (i) the relevant land use approval; and

1347 (ii) any land use regulation enacted specifically in relation to the land use approval.

1348 Section 8. Section 10-9a-511.5 is amended to read:

1349 **10-9a-511.5. Changes to dwellings -- Egress windows.**

1350 (1) As used in this section:

1351 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

1352 (i) within a primary dwelling;

1353 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the  
1354 time the internal accessory dwelling unit is created; and

1355 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

1356 (b) "Primary dwelling" means a single-family dwelling that:

1357 (i) is detached; and

1358 (ii) is occupied as the primary residence of the owner of record.

- 1359 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.
- 1360 (2) A municipal ordinance adopted under Section 10-1-203.5 may not:
- 1361 (a) require physical changes in a structure with a legal nonconforming rental dwelling
- 1362 use unless the change is for:
- 1363 (i) the reasonable installation of:
- 1364 (A) a smoke detector that is plugged in or battery operated;
- 1365 (B) a ground fault circuit interrupter protected outlet on existing wiring;
- 1366 (C) street addressing;
- 1367 (D) except as provided in Subsection (3), an egress bedroom window if the existing
- 1368 bedroom window is smaller than that required by current State Construction Code;
- 1369 (E) an electrical system or a plumbing system, if the existing system is not functioning
- 1370 or is unsafe as determined by an independent electrical or plumbing professional who is
- 1371 licensed in accordance with Title 58, Occupations and Professions;
- 1372 (F) hand or guard rails; or
- 1373 (G) occupancy separation doors as required by the International Residential Code; or
- 1374 (ii) the abatement of a structure; or
- 1375 (b) be enforced to terminate a legal nonconforming rental dwelling use.
- 1376 (3) (a) A municipality may not require physical changes to install an egress or
- 1377 emergency escape window in an existing bedroom that complied with the State Construction
- 1378 Code in effect at the time the bedroom was finished if:
- 1379 (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:
- 1380 (A) a detached one-, two-, three-, or four-family dwelling; or
- 1381 (B) a town home that is not more than three stories above grade with a separate means
- 1382 of egress; and
- 1383 (ii) (A) the window in the existing bedroom is smaller than that required by current
- 1384 State Construction Code; and
- 1385 (B) the change would compromise the structural integrity of the structure or could not
- 1386 be completed in accordance with current State Construction Code, including set-back and
- 1387 window well requirements.
- 1388 (b) Subject to Section 10-9a-530, Subsection (3)(a) [~~does not apply~~] applies only to an
- 1389 internal accessory dwelling unit constructed before October 1, 2021.

- 1390 (4) Nothing in this section prohibits a municipality from:
- 1391 (a) regulating the style of window that is required or allowed in a bedroom;
- 1392 (b) requiring that a window in an existing bedroom be fully openable if the openable
- 1393 area is less than required by current State Construction Code; or
- 1394 (c) requiring that an existing window not be reduced in size if the openable area is
- 1395 smaller than required by current State Construction Code.

1396 Section 9. Section **10-9a-530** is amended to read:

1397 **10-9a-530. Internal accessory dwelling units.**

1398 (1) As used in this section:

1399 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

1400 (i) within a primary dwelling;

1401 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the

1402 time the internal accessory dwelling unit is created; and

1403 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

1404 (b) "Primary dwelling" means a single-family dwelling that:

1405 (i) is detached; and

1406 (ii) is occupied as the primary residence of the owner of record.

1407 (2) In any area zoned primarily for residential use:

1408 (a) the use of an internal accessory dwelling unit is a permitted use; and

1409 (b) except as provided in [~~Subsections (3) and (4)~~] this section, a municipality may not

1410 establish any restrictions or requirements for the construction or use of one internal accessory

1411 dwelling unit within a primary dwelling, including a restriction or requirement governing:

1412 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

1413 (ii) total lot size; or

1414 (iii) street frontage.

1415 (3) (a) This Subsection (3) applies only to an internal accessory dwelling unit

1416 constructed on or after October 1, 2021.

1417 [~~(3)~~] (b) An internal accessory dwelling unit described in Subsection (3)(a) shall

1418 comply with all applicable building, health, and fire codes.

1419 (c) A municipality shall require the owner of a primary dwelling to:

1420 (i) obtain a permit or license for renting an internal accessory dwelling unit; or

- 1421 (ii) obtain a building permit for constructing an internal accessory dwelling unit.
- 1422 [~~(4)~~] (d) A municipality may:
- 1423 [~~(a)~~] (i) prohibit the installation of a separate utility meter for an internal accessory
- 1424 dwelling unit;
- 1425 [~~(b)~~] (ii) require that an internal accessory dwelling unit be designed in a manner that
- 1426 does not change the appearance of the primary dwelling as a single-family dwelling;
- 1427 [~~(c)~~] (iii) require a primary dwelling:
- 1428 [~~(i)~~] (A) to include one additional on-site parking space for an internal accessory
- 1429 dwelling unit, regardless of whether the primary dwelling is existing or new construction; and
- 1430 [~~(ii)~~] (B) to replace any parking spaces contained within a garage or carport if an
- 1431 internal accessory dwelling unit is created within the garage or carport;
- 1432 [~~(d)~~] (iv) prohibit the creation of an internal accessory dwelling unit within a mobile
- 1433 home as defined in Section [57-16-3](#);
- 1434 [~~(e)~~ require the owner of a primary dwelling to obtain a permit or license for renting an
- 1435 ~~internal accessory dwelling unit;~~]
- 1436 [~~(f)~~] (v) prohibit the creation of an internal accessory dwelling unit within a zoning
- 1437 district covering an area that is equivalent to:
- 1438 [~~(i)~~] (A) 25% or less of the total area in the municipality that is zoned primarily for
- 1439 residential use; or
- 1440 [~~(ii)~~] (B) 67% or less of the total area in the municipality that is zoned primarily for
- 1441 residential use, if the main campus of a state or private university with a student population of
- 1442 10,000 or more is located within the municipality;
- 1443 [~~(g)~~] (vi) prohibit the creation of an internal accessory dwelling unit if the primary
- 1444 dwelling is served by a failing septic tank;
- 1445 [~~(h)~~] (vii) prohibit the creation of an internal accessory dwelling unit if the lot
- 1446 containing the primary dwelling is 6,000 square feet or less in size;
- 1447 [~~(i)~~] (viii) prohibit the rental or offering the rental of an internal accessory dwelling
- 1448 unit for a period of less than 30 consecutive days;
- 1449 [~~(j)~~] (ix) prohibit the rental of an internal accessory dwelling unit if the internal
- 1450 accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary
- 1451 residence;

1452 ~~[(k)]~~ (x) hold a lien against a property that contains an internal accessory dwelling unit  
1453 in accordance with Subsection (5); and

1454 ~~[(l)]~~ (xi) record a notice for an internal accessory dwelling unit in accordance with  
1455 Subsection (6).

1456 (4) (a) This Subsection (4) applies only to an internal accessory dwelling unit  
1457 constructed before October 1, 2021.

1458 (b) A municipality shall require the owner of a primary dwelling to obtain a permit or  
1459 license for renting an internal accessory dwelling unit.

1460 (c) In accordance with Section 10-9a-511.5, a municipality may require the owner of a  
1461 primary dwelling to:

1462 (i) install a smoke detector within an internal accessory dwelling unit that is plugged in  
1463 or battery operated; and

1464 (ii) by no later than May 4, 2025, install an egress bedroom window within an internal  
1465 accessory dwelling unit if the existing bedroom window is smaller than that required by current  
1466 State Construction Code.

1467 (5) (a) In addition to any other legal or equitable remedies available to a municipality, a  
1468 municipality may hold a lien against a property that contains an internal accessory dwelling  
1469 unit if:

1470 (i) the owner of the property violates any of the provisions of this section or any  
1471 ordinance adopted under Subsection (3) or (4);

1472 (ii) the municipality provides a written notice of violation in accordance with  
1473 Subsection (5)(b);

1474 (iii) the municipality holds a hearing and determines that the violation has occurred in  
1475 accordance with Subsection (5)(d), if the owner files a written objection in accordance with  
1476 Subsection (5)(b)(iv);

1477 (iv) the owner fails to cure the violation within the time period prescribed in the  
1478 written notice of violation under Subsection (5)(b);

1479 (v) the municipality provides a written notice of lien in accordance with Subsection  
1480 (5)(c); and

1481 (vi) the municipality records a copy of the written notice of lien described in  
1482 Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.



- 1483 (b) The written notice of violation shall:
- 1484 (i) describe the specific violation;
- 1485 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
- 1486 to cure the violation that is:
- 1487 (A) no less than 14 days after the day on which the municipality sends the written
- 1488 notice of violation, if the violation results from the owner renting or offering to rent the internal
- 1489 accessory dwelling unit for a period of less than 30 consecutive days; or
- 1490 (B) no less than 30 days after the day on which the municipality sends the written
- 1491 notice of violation, for any other violation;
- 1492 (iii) state that if the owner of the property fails to cure the violation within the time
- 1493 period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property
- 1494 in an amount of up to \$100 for each day of violation after the day on which the opportunity to
- 1495 cure the violation expires;
- 1496 (iv) notify the owner of the property:
- 1497 (A) that the owner may file a written objection to the violation within 14 days after the
- 1498 day on which the written notice of violation is post-marked or posted on the property; and
- 1499 (B) of the name and address of the municipal office where the owner may file the
- 1500 written objection;
- 1501 (v) be mailed to:
- 1502 (A) the property's owner of record; and
- 1503 (B) any other individual designated to receive notice in the owner's license or permit
- 1504 records; and
- 1505 (vi) be posted on the property.
- 1506 (c) The written notice of lien shall:
- 1507 (i) comply with the requirements of Section [38-12-102](#);
- 1508 (ii) state that the property is subject to a lien;
- 1509 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
- 1510 the day on which the opportunity to cure the violation expires;
- 1511 (iv) be mailed to:
- 1512 (A) the property's owner of record; and
- 1513 (B) any other individual designated to receive notice in the owner's license or permit

1514 records; and

1515 (v) be posted on the property.

1516 (d) (i) If an owner of property files a written objection in accordance with Subsection  
1517 (5)(b)(iv), the municipality shall:

1518 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings  
1519 Act, to conduct a review and determine whether the specific violation described in the written  
1520 notice of violation under Subsection (5)(b) has occurred; and

1521 (B) notify the owner in writing of the date, time, and location of the hearing described  
1522 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

1523 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a  
1524 municipality may not record a lien under this Subsection (5) until the municipality holds a  
1525 hearing and determines that the specific violation has occurred.

1526 (iii) If the municipality determines at the hearing that the specific violation has  
1527 occurred, the municipality may impose a lien in an amount of up to \$100 for each day of  
1528 violation after the day on which the opportunity to cure the violation expires, regardless of  
1529 whether the hearing is held after the day on which the opportunity to cure the violation has  
1530 expired.

1531 (e) If an owner cures a violation within the time period prescribed in the written notice  
1532 of violation under Subsection (5)(b), the municipality may not hold a lien against the property,  
1533 or impose any penalty or fee on the owner, in relation to the specific violation described in the  
1534 written notice of violation under Subsection (5)(b).

1535 (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an  
1536 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to  
1537 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a  
1538 notice in the office of the recorder of the county in which the primary dwelling is located.

1539 (b) The notice described in Subsection (6)(a) shall include:

1540 (i) a description of the primary dwelling;

1541 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

1542 and

1543 (iii) a statement that the internal accessory dwelling unit may only be used in  
1544 accordance with the municipality's land use regulations.

1545 (c) The municipality shall, upon recording the notice described in Subsection (6)(a),  
1546 deliver a copy of the notice to the owner of the internal accessory dwelling unit.

1547 Section 10. Section **11-36a-202** is amended to read:

1548 **11-36a-202. Prohibitions on impact fees.**

1549 (1) A local political subdivision or private entity may not:

1550 (a) impose an impact fee to:

1551 (i) cure deficiencies in a public facility serving existing development;

1552 (ii) raise the established level of service of a public facility serving existing

1553 development; or

1554 (iii) recoup more than the local political subdivision's or private entity's costs actually  
1555 incurred for excess capacity in an existing system improvement;

1556 (b) delay the construction of a school or charter school because of a dispute with the  
1557 school or charter school over impact fees; or

1558 (c) impose or charge any other fees as a condition of development approval unless  
1559 those fees are a reasonable charge for the service provided.

1560 (2) (a) Notwithstanding any other provision of this chapter, a political subdivision or  
1561 private entity may not impose an impact fee:

1562 (i) on residential components of development to pay for a public safety facility that is a  
1563 fire suppression vehicle;

1564 (ii) on a school district or charter school for a park, recreation facility, open space, or  
1565 trail;

1566 (iii) on a school district or charter school unless:

1567 (A) the development resulting from the school district's or charter school's  
1568 development activity directly results in a need for additional system improvements for which  
1569 the impact fee is imposed; and

1570 (B) the impact fee is calculated to cover only the school district's or charter school's  
1571 proportionate share of the cost of those additional system improvements;

1572 (iv) to the extent that the impact fee includes a component for a law enforcement  
1573 facility, on development activity for:

1574 (A) the Utah National Guard;

1575 (B) the Utah Highway Patrol; or

1576 (C) a state institution of higher education that has its own police force; [or]  
1577 (v) on development activity on the state fair park, as defined in Section 63H-6-102[-];

1578 or

1579 (vi) on development activity that consists of the construction of an internal accessory  
1580 dwelling unit, as defined in Section 10-9a-530, within an existing structure.

1581 (b) (i) Notwithstanding any other provision of this chapter, a political subdivision or  
1582 private entity may not impose an impact fee on development activity that consists of the  
1583 construction of a school, whether by a school district or a charter school, if:

1584 (A) the school is intended to replace another school, whether on the same or a different  
1585 parcel;

1586 (B) the new school creates no greater demand or need for public facilities than the  
1587 school or school facilities, including any portable or modular classrooms that are on the site of  
1588 the replaced school at the time that the new school is proposed; and

1589 (C) the new school and the school being replaced are both within the boundary of the  
1590 local political subdivision or the jurisdiction of the private entity.

1591 (ii) If the imposition of an impact fee on a new school is not prohibited under  
1592 Subsection (2)(b)(i) because the new school creates a greater demand or need for public  
1593 facilities than the school being replaced, the impact fee shall be based only on the demand or  
1594 need that the new school creates for public facilities that exceeds the demand or need that the  
1595 school being replaced creates for those public facilities.

1596 (c) Notwithstanding any other provision of this chapter, a political subdivision or  
1597 private entity may impose an impact fee for a road facility on the state only if and to the extent  
1598 that:

1599 (i) the state's development causes an impact on the road facility; and

1600 (ii) the portion of the road facility related to an impact fee is not funded by the state or  
1601 by the federal government.

1602 (3) Notwithstanding any other provision of this chapter, a local political subdivision  
1603 may impose and collect impact fees on behalf of a school district if authorized by Section  
1604 11-36a-206.

1605 Section 11. Section 11-59-203 is amended to read:

1606 **11-59-203. Authority duties and responsibilities.**

1607 (1) As the authority plans, manages, and implements the development of the point of  
1608 the mountain state land, the authority shall pursue development strategies and objectives  
1609 designed to:

1610 (a) maximize the creation of high-quality jobs and encourage and facilitate a highly  
1611 trained workforce;

1612 (b) ensure strategic residential and commercial growth;

1613 (c) promote a high quality of life for residents on and surrounding the point of the  
1614 mountain state land, including strategic planning to facilitate:

1615 (i) jobs close to where people live;

1616 (ii) vibrant urban centers;

1617 (iii) housing types that match workforce needs;

1618 (iv) parks, connected trails, and open space, including the preservation of natural lands  
1619 to the extent practicable and consistent with the overall development plan; and

1620 (v) preserving and enhancing recreational opportunities;

1621 (d) complement the development on land in the vicinity of the point of the mountain  
1622 state land;

1623 (e) improve air quality and minimize resource use; and

1624 (f) accommodate and incorporate the planning, funding, and development of an  
1625 enhanced and expanded future transit and transportation infrastructure and other investments,  
1626 including:

1627 (i) the acquisition of rights-of-way and property necessary to ensure transit access to  
1628 the point of the mountain state land; and

1629 (ii) a world class mass transit infrastructure, to service the point of the mountain state  
1630 land and to enhance mobility and protect the environment.

1631 (2) In planning the development of the point of the mountain state land, the authority  
1632 shall:

1633 (a) consult with applicable governmental planning agencies, including:

1634 (i) relevant metropolitan planning organizations; and

1635 (ii) Draper City and Salt Lake County planning and governing bodies;

1636 (b) research and explore the feasibility of attracting a nationally recognized research  
1637 center; ~~and~~

1638 (c) research and explore the appropriateness of including labor training centers and a  
1639 higher education presence on the point of the mountain state land[-];

1640 (d) ensure that at least 20% of the proposed housing units within the development of  
1641 the point of the mountain state land are dedicated to affordable housing, of which:

1642 (i) at least 10% of the proposed housing units are dedicated to housing for households  
1643 whose income is no more than 50% of the area median income for households of the same size  
1644 in the county or municipality where the development is located; and

1645 (ii) at least 10% of the proposed housing units are dedicated to housing for households  
1646 whose income is no more than 80% of the area median income for households of the same size  
1647 in the county or municipality where the development is located; and

1648 (e) on or before October 1 of each year, submit an annual written report to the Unified  
1649 Economic Opportunity Commission created in Section [63N-1a-201](#) describing how the  
1650 development of the point of the mountain state land meets the requirements of Subsection  
1651 (2)(d).

1652 Section 12. Section **17-27a-103** is amended to read:

1653 **17-27a-103. Definitions.**

1654 As used in this chapter:

1655 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
1656 detached from a primary single-family dwelling and contained on one lot.

1657 (2) "Adversely affected party" means a person other than a land use applicant who:

1658 (a) owns real property adjoining the property that is the subject of a land use  
1659 application or land use decision; or

1660 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
1661 general community as a result of the land use decision.

1662 (3) "Affected entity" means a county, municipality, local district, special service  
1663 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
1664 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
1665 property owner, property owner's association, public utility, or the Utah Department of  
1666 Transportation, if:

1667 (a) the entity's services or facilities are likely to require expansion or significant  
1668 modification because of an intended use of land;

1669 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
1670 or

1671 (c) the entity has filed with the county a request for notice during the same calendar  
1672 year and before the county provides notice to an affected entity in compliance with a  
1673 requirement imposed under this chapter.

1674 (4) "Affected owner" means the owner of real property that is:

1675 (a) a single project;

1676 (b) the subject of a land use approval that sponsors of a referendum timely challenged  
1677 in accordance with Subsection [20A-7-601](#)~~(5)~~(6); and

1678 (c) determined to be legally referable under Section [20A-7-602.8](#).

1679 (5) "Appeal authority" means the person, board, commission, agency, or other body  
1680 designated by ordinance to decide an appeal of a decision of a land use application or a  
1681 variance.

1682 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
1683 residential property if the sign is designed or intended to direct attention to a business, product,  
1684 or service that is not sold, offered, or existing on the property where the sign is located.

1685 (7) (a) "Charter school" means:

1686 (i) an operating charter school;

1687 (ii) a charter school applicant that a charter school authorizer approves in accordance  
1688 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1689 (iii) an entity that is working on behalf of a charter school or approved charter  
1690 applicant to develop or construct a charter school building.

1691 (b) "Charter school" does not include a therapeutic school.

1692 (8) "Chief executive officer" means the person or body that exercises the executive  
1693 powers of the county.

1694 (9) "Conditional use" means a land use that, because of the unique characteristics or  
1695 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,  
1696 may not be compatible in some areas or may be compatible only if certain conditions are  
1697 required that mitigate or eliminate the detrimental impacts.

1698 (10) "Constitutional taking" means a governmental action that results in a taking of  
1699 private property so that compensation to the owner of the property is required by the:

- 1700 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or  
1701 (b) Utah Constitution, Article I, Section 22.  
1702 (11) "County utility easement" means an easement that:  
1703 (a) a plat recorded in a county recorder's office described as a county utility easement  
1704 or otherwise as a utility easement;  
1705 (b) is not a protected utility easement or a public utility easement as defined in Section  
1706 54-3-27;  
1707 (c) the county or the county's affiliated governmental entity owns or creates; and  
1708 (d) (i) either:  
1709 (A) no person uses or occupies; or  
1710 (B) the county or the county's affiliated governmental entity uses and occupies to  
1711 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or  
1712 communications or data lines; or  
1713 (ii) a person uses or occupies with or without an authorized franchise or other  
1714 agreement with the county.  
1715 (12) "Culinary water authority" means the department, agency, or public entity with  
1716 responsibility to review and approve the feasibility of the culinary water system and sources for  
1717 the subject property.  
1718 (13) "Development activity" means:  
1719 (a) any construction or expansion of a building, structure, or use that creates additional  
1720 demand and need for public facilities;  
1721 (b) any change in use of a building or structure that creates additional demand and need  
1722 for public facilities; or  
1723 (c) any change in the use of land that creates additional demand and need for public  
1724 facilities.  
1725 (14) (a) "Development agreement" means a written agreement or amendment to a  
1726 written agreement between a county and one or more parties that regulates or controls the use  
1727 or development of a specific area of land.  
1728 (b) "Development agreement" does not include an improvement completion assurance.  
1729 (15) (a) "Disability" means a physical or mental impairment that substantially limits  
1730 one or more of a person's major life activities, including a person having a record of such an



1731 impairment or being regarded as having such an impairment.

1732 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
1733 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
1734 Sec. 802.

1735 (16) "Educational facility":

1736 (a) means:

1737 (i) a school district's building at which pupils assemble to receive instruction in a  
1738 program for any combination of grades from preschool through grade 12, including  
1739 kindergarten and a program for children with disabilities;

1740 (ii) a structure or facility:

1741 (A) located on the same property as a building described in Subsection (16)(a)(i); and

1742 (B) used in support of the use of that building; and

1743 (iii) a building to provide office and related space to a school district's administrative  
1744 personnel; and

1745 (b) does not include:

1746 (i) land or a structure, including land or a structure for inventory storage, equipment  
1747 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1748 (A) not located on the same property as a building described in Subsection (16)(a)(i);  
1749 and

1750 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

1751 (ii) a therapeutic school.

1752 (17) "Fire authority" means the department, agency, or public entity with responsibility  
1753 to review and approve the feasibility of fire protection and suppression services for the subject  
1754 property.

1755 (18) "Flood plain" means land that:

1756 (a) is within the 100-year flood plain designated by the Federal Emergency  
1757 Management Agency; or

1758 (b) has not been studied or designated by the Federal Emergency Management Agency  
1759 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
1760 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
1761 Federal Emergency Management Agency.

- 1762 (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 1763 (20) "General plan" means a document that a county adopts that sets forth general  
1764 guidelines for proposed future development of:
- 1765 (a) the unincorporated land within the county; or
- 1766 (b) for a mountainous planning district, the land within the mountainous planning  
1767 district.
- 1768 (21) "Geologic hazard" means:
- 1769 (a) a surface fault rupture;
- 1770 (b) shallow groundwater;
- 1771 (c) liquefaction;
- 1772 (d) a landslide;
- 1773 (e) a debris flow;
- 1774 (f) unstable soil;
- 1775 (g) a rock fall; or
- 1776 (h) any other geologic condition that presents a risk:
- 1777 (i) to life;
- 1778 (ii) of substantial loss of real property; or
- 1779 (iii) of substantial damage to real property.
- 1780 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
1781 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
1782 system.
- 1783 (23) "Identical plans" means building plans submitted to a county that:
- 1784 (a) are clearly marked as "identical plans";
- 1785 (b) are substantially identical building plans that were previously submitted to and  
1786 reviewed and approved by the county; and
- 1787 (c) describe a building that:
- 1788 (i) is located on land zoned the same as the land on which the building described in the  
1789 previously approved plans is located;
- 1790 (ii) is subject to the same geological and meteorological conditions and the same law  
1791 as the building described in the previously approved plans;
- 1792 (iii) has a floor plan identical to the building plan previously submitted to and reviewed

1793 and approved by the county; and

1794 (iv) does not require any additional engineering or analysis.

1795 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
1796 Impact Fees Act.

1797 (25) "Improvement completion assurance" means a surety bond, letter of credit,  
1798 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
1799 by a county to guaranty the proper completion of landscaping or an infrastructure improvement  
1800 required as a condition precedent to:

1801 (a) recording a subdivision plat; or

1802 (b) development of a commercial, industrial, mixed use, or multifamily project.

1803 (26) "Improvement warranty" means an applicant's unconditional warranty that the  
1804 applicant's installed and accepted landscaping or infrastructure improvement:

1805 (a) complies with the county's written standards for design, materials, and  
1806 workmanship; and

1807 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
1808 within the improvement warranty period.

1809 (27) "Improvement warranty period" means a period:

1810 (a) no later than one year after a county's acceptance of required landscaping; or

1811 (b) no later than one year after a county's acceptance of required infrastructure, unless  
1812 the county:

1813 (i) determines for good cause that a one-year period would be inadequate to protect the  
1814 public health, safety, and welfare; and

1815 (ii) has substantial evidence, on record:

1816 (A) of prior poor performance by the applicant; or

1817 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
1818 and the county has not otherwise required the applicant to mitigate the suspect soil.

1819 (28) "Infrastructure improvement" means permanent infrastructure that is essential for  
1820 the public health and safety or that:

1821 (a) is required for human consumption; and

1822 (b) an applicant must install:

1823 (i) in accordance with published installation and inspection specifications for public

1824 improvements; and

1825 (ii) as a condition of:

1826 (A) recording a subdivision plat;

1827 (B) obtaining a building permit; or

1828 (C) developing a commercial, industrial, mixed use, condominium, or multifamily  
1829 project.

1830 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted  
1831 designation that:

1832 (a) runs with the land; and

1833 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
1834 the plat; or

1835 (ii) designates a development condition that is enclosed within the perimeter of a lot  
1836 described on the plat.

1837 (30) "Interstate pipeline company" means a person or entity engaged in natural gas  
1838 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
1839 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1840 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas  
1841 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
1842 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1843 (32) "Land use applicant" means a property owner, or the property owner's designee,  
1844 who submits a land use application regarding the property owner's land.

1845 (33) "Land use application":

1846 (a) means an application that is:

1847 (i) required by a county; and

1848 (ii) submitted by a land use applicant to obtain a land use decision; and

1849 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1850 (34) "Land use authority" means:

1851 (a) a person, board, commission, agency, or body, including the local legislative body,  
1852 designated by the local legislative body to act upon a land use application; or

1853 (b) if the local legislative body has not designated a person, board, commission,  
1854 agency, or body, the local legislative body.

1855 (35) "Land use decision" means an administrative decision of a land use authority or  
1856 appeal authority regarding:

1857 (a) a land use permit;

1858 (b) a land use application; or

1859 (c) the enforcement of a land use regulation, land use permit, or development  
1860 agreement.

1861 (36) "Land use permit" means a permit issued by a land use authority.

1862 (37) "Land use regulation":

1863 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
1864 specification, fee, or rule that governs the use or development of land;

1865 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
1866 and

1867 (c) does not include:

1868 (i) a land use decision of the legislative body acting as the land use authority, even if  
1869 the decision is expressed in a resolution or ordinance; or

1870 (ii) a temporary revision to an engineering specification that does not materially:

1871 (A) increase a land use applicant's cost of development compared to the existing  
1872 specification; or

1873 (B) impact a land use applicant's use of land.

1874 (38) "Legislative body" means the county legislative body, or for a county that has  
1875 adopted an alternative form of government, the body exercising legislative powers.

1876 (39) "Local district" means any entity under Title 17B, Limited Purpose Local  
1877 Government Entities - Local Districts, and any other governmental or quasi-governmental  
1878 entity that is not a county, municipality, school district, or the state.

1879 (40) "Lot" means a tract of land, regardless of any label, that is created by and shown  
1880 on a subdivision plat that has been recorded in the office of the county recorder.

1881 (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
1882 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):

1883 (i) whether or not the lots are located in the same subdivision; and

1884 (ii) with the consent of the owners of record.

1885 (b) "Lot line adjustment" does not mean a new boundary line that:

- 1886 (i) creates an additional lot; or  
1887 (ii) constitutes a subdivision.  
1888 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
1889 Department of Transportation.  
1890 (42) "Major transit investment corridor" means public transit service that uses or  
1891 occupies:  
1892 (a) public transit rail right-of-way;  
1893 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;  
1894 or  
1895 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
1896 municipality or county and:  
1897 (i) a public transit district as defined in Section [17B-2a-802](#); or  
1898 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).  
1899 (43) "Moderate income housing" means housing occupied or reserved for occupancy  
1900 by households with a gross household income equal to or less than 80% of the median gross  
1901 income for households of the same size in the county in which the housing is located.  
1902 (44) "Mountainous planning district" means an area designated by a county legislative  
1903 body in accordance with Section [17-27a-901](#).  
1904 (45) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
1905 and expenses incurred in:  
1906 (a) verifying that building plans are identical plans; and  
1907 (b) reviewing and approving those minor aspects of identical plans that differ from the  
1908 previously reviewed and approved building plans.  
1909 (46) "Noncomplying structure" means a structure that:  
1910 (a) legally existed before the structure's current land use designation; and  
1911 (b) because of one or more subsequent land use ordinance changes, does not conform  
1912 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
1913 the use of land.  
1914 (47) "Nonconforming use" means a use of land that:  
1915 (a) legally existed before the current land use designation;  
1916 (b) has been maintained continuously since the time the land use ordinance regulation

1917 governing the land changed; and

1918 (c) because of one or more subsequent land use ordinance changes, does not conform  
1919 to the regulations that now govern the use of the land.

1920 (48) "Official map" means a map drawn by county authorities and recorded in the  
1921 county recorder's office that:

1922 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
1923 highways and other transportation facilities;

1924 (b) provides a basis for restricting development in designated rights-of-way or between  
1925 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
1926 the land; and

1927 (c) has been adopted as an element of the county's general plan.

1928 (49) "Parcel" means any real property that is not a lot.

1929 (50) (a) "Parcel boundary adjustment" means a recorded agreement between owners of  
1930 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line  
1931 agreement in accordance with Section [17-27a-523](#), if no additional parcel is created and:

1932 (i) none of the property identified in the agreement is a lot; or

1933 (ii) the adjustment is to the boundaries of a single person's parcels.

1934 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary  
1935 line that:

1936 (i) creates an additional parcel; or

1937 (ii) constitutes a subdivision.

1938 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by  
1939 the Department of Transportation.

1940 (51) "Person" means an individual, corporation, partnership, organization, association,  
1941 trust, governmental agency, or any other legal entity.

1942 (52) "Plan for moderate income housing" means a written document adopted by a  
1943 county legislative body that includes:

1944 (a) an estimate of the existing supply of moderate income housing located within the  
1945 county;

1946 (b) an estimate of the need for moderate income housing in the county for the next five  
1947 years;

- 1948 (c) a survey of total residential land use;
- 1949 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
- 1950 income housing; and
- 1951 (e) a description of the county's program to encourage an adequate supply of moderate
- 1952 income housing.
- 1953 (53) "Planning advisory area" means a contiguous, geographically defined portion of
- 1954 the unincorporated area of a county established under this part with planning and zoning
- 1955 functions as exercised through the planning advisory area planning commission, as provided in
- 1956 this chapter, but with no legal or political identity separate from the county and no taxing
- 1957 authority.
- 1958 (54) "Plat" means an instrument subdividing property into lots as depicted on a map or
- 1959 other graphical representation of lands that a licensed professional land surveyor makes and
- 1960 prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).
- 1961 (55) "Potential geologic hazard area" means an area that:
- 1962 (a) is designated by a Utah Geological Survey map, county geologist map, or other
- 1963 relevant map or report as needing further study to determine the area's potential for geologic
- 1964 hazard; or
- 1965 (b) has not been studied by the Utah Geological Survey or a county geologist but
- 1966 presents the potential of geologic hazard because the area has characteristics similar to those of
- 1967 a designated geologic hazard area.
- 1968 (56) "Public agency" means:
- 1969 (a) the federal government;
- 1970 (b) the state;
- 1971 (c) a county, municipality, school district, local district, special service district, or other
- 1972 political subdivision of the state; or
- 1973 (d) a charter school.
- 1974 (57) "Public hearing" means a hearing at which members of the public are provided a
- 1975 reasonable opportunity to comment on the subject of the hearing.
- 1976 (58) "Public meeting" means a meeting that is required to be open to the public under
- 1977 Title 52, Chapter 4, Open and Public Meetings Act.
- 1978 (59) "Public street" means a public right-of-way, including a public highway, public



1979 avenue, public boulevard, public parkway, public road, public lane, public alley, public  
1980 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
1981 easement, or other public way.

1982 (60) "Receiving zone" means an unincorporated area of a county that the county  
1983 designates, by ordinance, as an area in which an owner of land may receive a transferable  
1984 development right.

1985 (61) "Record of survey map" means a map of a survey of land prepared in accordance  
1986 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1987 (62) "Residential facility for persons with a disability" means a residence:

1988 (a) in which more than one person with a disability resides; and

1989 (b) (i) which is licensed or certified by the Department of Human Services under Title  
1990 62A, Chapter 2, Licensure of Programs and Facilities; or

1991 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
1992 21, Health Care Facility Licensing and Inspection Act.

1993 (63) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
1994 public meeting:

1995 (a) parliamentary order and procedure;

1996 (b) ethical behavior; and

1997 (c) civil discourse.

1998 (64) "Sanitary sewer authority" means the department, agency, or public entity with  
1999 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
2000 wastewater systems.

2001 (65) "Sending zone" means an unincorporated area of a county that the county  
2002 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
2003 development right.

2004 (66) "Site plan" means a document or map that may be required by a county during a  
2005 preliminary review preceding the issuance of a building permit to demonstrate that an owner's  
2006 or developer's proposed development activity meets a land use requirement.

2007 (67) "Specified public agency" means:

2008 (a) the state;

2009 (b) a school district; or

- 2010 (c) a charter school.
- 2011 (68) "Specified public utility" means an electrical corporation, gas corporation, or  
2012 telephone corporation, as those terms are defined in Section [54-2-1](#).
- 2013 (69) "State" includes any department, division, or agency of the state.
- 2014 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
2015 divided into two or more lots or other division of land for the purpose, whether immediate or  
2016 future, for offer, sale, lease, or development either on the installment plan or upon any and all  
2017 other plans, terms, and conditions.
- 2018 (b) "Subdivision" includes:
- 2019 (i) the division or development of land, whether by deed, metes and bounds  
2020 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
2021 the division includes all or a portion of a parcel or lot; and
- 2022 (ii) except as provided in Subsection (70)(c), divisions of land for residential and  
2023 nonresidential uses, including land used or to be used for commercial, agricultural, and  
2024 industrial purposes.
- 2025 (c) "Subdivision" does not include:
- 2026 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 2027 (ii) a boundary line agreement recorded with the county recorder's office between  
2028 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
2029 [17-27a-523](#) if no new lot is created;
- 2030 (iii) a recorded document, executed by the owner of record:
- 2031 (A) revising the legal descriptions of multiple parcels into one legal description  
2032 encompassing all such parcels; or
- 2033 (B) joining a lot to a parcel;
- 2034 (iv) a bona fide division or partition of land in a county other than a first class county  
2035 for the purpose of siting, on one or more of the resulting separate parcels:
- 2036 (A) an electrical transmission line or a substation;
- 2037 (B) a natural gas pipeline or a regulation station; or
- 2038 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
2039 utility service regeneration, transformation, retransmission, or amplification facility;
- 2040 (v) a boundary line agreement between owners of adjoining subdivided properties

2041 adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608

2042 if:

2043 (A) no new dwelling lot or housing unit will result from the adjustment; and

2044 (B) the adjustment will not violate any applicable land use ordinance;

2045 (vi) a bona fide division of land by deed or other instrument if the deed or other

2046 instrument states in writing that the division:

2047 (A) is in anticipation of future land use approvals on the parcel or parcels;

2048 (B) does not confer any land use approvals; and

2049 (C) has not been approved by the land use authority;

2050 (vii) a parcel boundary adjustment;

2051 (viii) a lot line adjustment;

2052 (ix) a road, street, or highway dedication plat;

2053 (x) a deed or easement for a road, street, or highway purpose; or

2054 (xi) any other division of land authorized by law.

2055 (71) "Subdivision amendment" means an amendment to a recorded subdivision in

2056 accordance with Section 17-27a-608 that:

2057 (a) vacates all or a portion of the subdivision;

2058 (b) alters the outside boundary of the subdivision;

2059 (c) changes the number of lots within the subdivision;

2060 (d) alters a public right-of-way, a public easement, or public infrastructure within the

2061 subdivision; or

2062 (e) alters a common area or other common amenity within the subdivision.

2063 (72) "Substantial evidence" means evidence that:

2064 (a) is beyond a scintilla; and

2065 (b) a reasonable mind would accept as adequate to support a conclusion.

2066 (73) "Suspect soil" means soil that has:

2067 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
2068 3% swell potential;

2069 (b) bedrock units with high shrink or swell susceptibility; or

2070 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

2071 commonly associated with dissolution and collapse features.

2072 (74) "Therapeutic school" means a residential group living facility:

2073 (a) for four or more individuals who are not related to:

2074 (i) the owner of the facility; or

2075 (ii) the primary service provider of the facility;

2076 (b) that serves students who have a history of failing to function:

2077 (i) at home;

2078 (ii) in a public school; or

2079 (iii) in a nonresidential private school; and

2080 (c) that offers:

2081 (i) room and board; and

2082 (ii) an academic education integrated with:

2083 (A) specialized structure and supervision; or

2084 (B) services or treatment related to a disability, an emotional development, a  
2085 behavioral development, a familial development, or a social development.

2086 (75) "Transferable development right" means a right to develop and use land that  
2087 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
2088 land use rights from a designated sending zone to a designated receiving zone.

2089 (76) "Unincorporated" means the area outside of the incorporated area of a  
2090 municipality.

2091 (77) "Water interest" means any right to the beneficial use of water, including:

2092 (a) each of the rights listed in Section 73-1-11; and

2093 (b) an ownership interest in the right to the beneficial use of water represented by:

2094 (i) a contract; or

2095 (ii) a share in a water company, as defined in Section 73-3-3.5.

2096 (78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
2097 land use zones, overlays, or districts.

2098 Section 13. Section 17-27a-401 is amended to read:

2099 **17-27a-401. General plan required -- Content -- Resource management plan --**  
2100 **Provisions related to radioactive waste facility.**

2101 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a  
2102 comprehensive, long-range general plan:

- 2103 (a) for present and future needs of the county;
- 2104 (b) (i) for growth and development of all or any part of the land within the  
2105 unincorporated portions of the county; or
- 2106 (ii) if a county has designated a mountainous planning district, for growth and  
2107 development of all or any part of the land within the mountainous planning district; and
- 2108 (c) as a basis for communicating and coordinating with the federal government on land  
2109 and resource management issues.
- 2110 (2) To promote health, safety, and welfare, the general plan may provide for:
- 2111 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
2112 activities, aesthetics, and recreational, educational, and cultural opportunities;
- 2113 (b) the reduction of the waste of physical, financial, or human resources that result  
2114 from either excessive congestion or excessive scattering of population;
- 2115 (c) the efficient and economical use, conservation, and production of the supply of:
- 2116 (i) food and water; and
- 2117 (ii) drainage, sanitary, and other facilities and resources;
- 2118 (d) the use of energy conservation and solar and renewable energy resources;
- 2119 (e) the protection of urban development;
- 2120 (f) the protection and promotion of air quality;
- 2121 (g) historic preservation;
- 2122 (h) identifying future uses of land that are likely to require an expansion or significant  
2123 modification of services or facilities provided by each affected entity; and
- 2124 (i) an official map.
- 2125 ~~[(3)(a) The general plan shall:]~~
- 2126 ~~[(i) allow and plan for moderate income housing growth; and]~~
- 2127 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,  
2128 shall include a moderate income housing element that meets the requirements of Subsection  
2129 17-27a-403(2)(a)(iii).
- 2130 ~~[(ii) contain a resource management plan for the public lands, as defined in Section~~  
2131 ~~63L-6-102, within the county.]~~
- 2132 ~~[(b)]~~ (ii) On or before ~~[December 1, 2019, a]~~ October 1, 2022, a specified county, as  
2133 defined in Section 17-27a-408, with a general plan that does not comply with Subsection

2134 (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

2135 (b) The general plan shall contain a resource management plan for the public lands, as  
2136 defined in Section 63L-6-102, within the county.

2137 (c) The resource management plan described in Subsection [~~(3)(a)(ii)~~] (3)(b) shall  
2138 address:

2139 (i) mining;

2140 (ii) land use;

2141 (iii) livestock and grazing;

2142 (iv) irrigation;

2143 (v) agriculture;

2144 (vi) fire management;

2145 (vii) noxious weeds;

2146 (viii) forest management;

2147 (ix) water rights;

2148 (x) ditches and canals;

2149 (xi) water quality and hydrology;

2150 (xii) flood plains and river terraces;

2151 (xiii) wetlands;

2152 (xiv) riparian areas;

2153 (xv) predator control;

2154 (xvi) wildlife;

2155 (xvii) fisheries;

2156 (xviii) recreation and tourism;

2157 (xix) energy resources;

2158 (xx) mineral resources;

2159 (xxi) cultural, historical, geological, and paleontological resources;

2160 (xxii) wilderness;

2161 (xxiii) wild and scenic rivers;

2162 (xxiv) threatened, endangered, and sensitive species;

2163 (xxv) land access;

2164 (xxvi) law enforcement;

2165 (xxvii) economic considerations; and

2166 (xxviii) air.

2167 (d) For each item listed under Subsection (3)(c), a county's resource management plan  
2168 shall:

2169 (i) establish findings pertaining to the item;

2170 (ii) establish defined objectives; and

2171 (iii) outline general policies and guidelines on how the objectives described in  
2172 Subsection (3)(d)(ii) are to be accomplished.

2173 (4) (a) (i) The general plan shall include specific provisions related to any areas within,  
2174 or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a  
2175 county, which are proposed for the siting of a storage facility or transfer facility for the  
2176 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as  
2177 these wastes are defined in Section 19-3-303.

2178 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the  
2179 proposed site upon the health and general welfare of citizens of the state, and shall provide:

2180 [(†)] (A) the information identified in Section 19-3-305;

2181 [(††)] (B) information supported by credible studies that demonstrates that the  
2182 provisions of Subsection 19-3-307(2) have been satisfied; and

2183 [(†††)] (C) specific measures to mitigate the effects of high-level nuclear waste and  
2184 greater than class C radioactive waste and guarantee the health and safety of the citizens of the  
2185 state.

2186 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
2187 indicating that all proposals for the siting of a storage facility or transfer facility for the  
2188 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
2189 partially within the county are rejected.

2190 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

2191 (d) The county shall send a certified copy of the ordinance described in Subsection  
2192 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
2193 within 30 days of enactment.

2194 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

2195 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

2196 (ii) send a certified copy of the repeal to the executive director of the Department of  
2197 Environmental Quality by certified mail within 30 days after the repeal.

2198 (5) The general plan may define the county's local customs, local culture, and the  
2199 components necessary for the county's economic stability.

2200 (6) Subject to Subsection 17-27a-403(2), the county may determine the  
2201 comprehensiveness, extent, and format of the general plan.

2202 (7) If a county has designated a mountainous planning district, the general plan for the  
2203 mountainous planning district is the controlling plan.

2204 (8) Nothing in this part may be construed to limit the authority of the state to manage  
2205 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

2206 Section 14. Section 17-27a-403 is amended to read:

2207 **17-27a-403. Plan preparation.**

2208 (1) (a) The planning commission shall provide notice, as provided in Section  
2209 17-27a-203, of [its] the planning commission's intent to make a recommendation to the county  
2210 legislative body for a general plan or a comprehensive general plan amendment when the  
2211 planning commission initiates the process of preparing [its] the planning commission's  
2212 recommendation.

2213 (b) The planning commission shall make and recommend to the legislative body a  
2214 proposed general plan for:

2215 (i) the unincorporated area within the county; or

2216 (ii) if the planning commission is a planning commission for a mountainous planning  
2217 district, the mountainous planning district.

2218 (c) (i) The plan may include planning for incorporated areas if, in the planning  
2219 commission's judgment, they are related to the planning of the unincorporated territory or of  
2220 the county as a whole.

2221 (ii) Elements of the county plan that address incorporated areas are not an official plan  
2222 or part of a municipal plan for any municipality, unless the county plan is recommended by the  
2223 municipal planning commission and adopted by the governing body of the municipality.

2224 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
2225 and descriptive and explanatory matter, shall include the planning commission's  
2226 recommendations for the following plan elements:



2227 (i) a land use element that:

2228 (A) designates the long-term goals and the proposed extent, general distribution, and  
2229 location of land for housing for residents of various income levels, business, industry,  
2230 agriculture, recreation, education, public buildings and grounds, open space, and other  
2231 categories of public and private uses of land as appropriate; and

2232 (B) ~~[may include]~~ includes a statement of the projections for and standards of  
2233 population density and building intensity recommended for the various land use categories  
2234 covered by the plan;

2235 (ii) a transportation and traffic circulation element that:

2236 (A) provides the general location and extent of existing and proposed freeways, arterial  
2237 and collector streets, public transit, active transportation facilities, and other modes of  
2238 transportation that the planning commission considers appropriate;

2239 (B) addresses the county's plan for residential and commercial development around  
2240 major transit investment corridors to maintain and improve the connections between housing,  
2241 employment, education, recreation, and commerce; and

2242 (C) correlates with the population projections, the employment projections, and the  
2243 proposed land use element of the general plan;

2244 ~~[(iii) a plan for the development of additional moderate income housing within the  
2245 unincorporated area of the county or the mountainous planning district, and a plan to provide a  
2246 realistic opportunity to meet the need for additional moderate income housing; and]~~

2247 (iii) for a specified county as defined in Section [17-27a-408](#), a moderate income  
2248 housing element that:

2249 (A) provides a realistic opportunity to meet the need for additional moderate income  
2250 housing within the next five years;

2251 (B) selects three or more moderate income housing strategies described in Subsection  
2252 (2)(b)(ii) for implementation; and

2253 (C) includes an implementation plan as provided in Subsection (2)(e); and

2254 (iv) ~~[before May 1, 2017,]~~ a resource management plan detailing the findings,  
2255 objectives, and policies required by Subsection [17-27a-401\(3\)](#).

2256 (b) In drafting the moderate income housing element, the planning commission:

2257 (i) shall consider the Legislature's determination that counties should facilitate a

2258 reasonable opportunity for a variety of housing, including moderate income housing:  
2259 (A) to meet the needs of people of various income levels living, working, or desiring to  
2260 live or work in the community; and  
2261 (B) to allow people with various incomes to benefit from and fully participate in all  
2262 aspects of neighborhood and community life; and  
2263 (ii) shall include an analysis of how the county will provide a realistic opportunity for  
2264 the development of moderate income housing within the planning horizon, [~~which may~~  
2265 ~~include~~] including a recommendation to implement three or more of the following moderate  
2266 income housing strategies:  
2267 (A) rezone for densities necessary to [~~assure~~] facilitate the production of moderate  
2268 income housing;  
2269 (B) [~~facilitate~~] demonstrate investment in the rehabilitation or expansion of  
2270 infrastructure that [~~will encourage~~] facilitates the construction of moderate income housing;  
2271 (C) [~~facilitate~~] demonstrate investment in the rehabilitation of existing uninhabitable  
2272 housing stock into moderate income housing;  
2273 (D) [~~consider~~] identify and utilize county general fund subsidies or other sources of  
2274 revenue to waive construction related fees that are otherwise generally imposed by the county  
2275 for the construction or rehabilitation of moderate income housing;  
2276 (E) create or allow for, and reduce regulations related to, internal or detached accessory  
2277 dwelling units in residential zones;  
2278 (F) [~~allow~~] zone or rezone for higher density or moderate income residential  
2279 development in commercial [~~and~~] or mixed-use zones, commercial centers, or employment  
2280 centers;  
2281 (G) [~~encourage~~] amend land use regulations to allow for higher density or new  
2282 moderate income residential development in commercial or mixed-use zones near major transit  
2283 investment corridors;  
2284 (H) amend land use regulations to eliminate or reduce parking requirements for  
2285 residential development where a resident is less likely to rely on the resident's own vehicle,  
2286 such as residential development near major transit investment corridors or senior living  
2287 facilities;  
2288 (I) amend land use regulations to allow for single room occupancy developments;

2289 (J) implement zoning incentives for ~~[low to]~~ moderate income units in new  
 2290 developments;

2291 ~~[(K) utilize strategies that preserve subsidized low to moderate income units on a~~  
 2292 ~~long-term basis;]~~

2293 ~~[(L)]~~ (K) preserve existing and new moderate income housing and subsidized units by  
 2294 utilizing a landlord incentive program, providing for deed restricted units through a grant  
 2295 program, or establishing a housing loss mitigation fund;

2296 ~~[(M)]~~ (L) reduce, waive, or eliminate impact fees~~[-, as defined in Section 11-36a-102;]~~  
 2297 related to ~~[low and]~~ moderate income housing;

2298 ~~[(N) participate in]~~ (M) demonstrate creation of, or participation in, a community land  
 2299 trust program for ~~[low or]~~ moderate income housing;

2300 ~~[(O)]~~ (N) implement a mortgage assistance program for employees of the county ~~[or~~  
 2301 ~~of]~~, an employer that provides contracted services for the county, or any other public employer  
 2302 that operates within the county;

2303 ~~[(P)]~~ (O) apply for or partner with an entity that applies for state or federal funds or tax  
 2304 incentives to promote the construction of moderate income housing, an entity that applies for  
 2305 programs offered by the Utah Housing Corporation within that agency's funding capacity, an  
 2306 entity that applies for affordable housing programs administered by the Department of  
 2307 Workforce Services, an entity that applies for services provided by a public housing authority  
 2308 to preserve and create moderate income housing, or any other entity that applies for programs  
 2309 or services that promote the construction or preservation of moderate income housing;

2310 ~~[(Q) apply for or partner with an entity that applies for programs offered by the Utah~~  
 2311 ~~Housing Corporation within that agency's funding capacity;]~~

2312 ~~[(R) apply for or partner with an entity that applies for affordable housing programs~~  
 2313 ~~administered by the Department of Workforce Services;]~~

2314 ~~[(S) apply for or partner with an entity that applies for services provided by a public~~  
 2315 ~~housing authority to preserve and create moderate income housing;]~~

2316 ~~[(T) apply for or partner with an entity that applies for programs administered by a~~  
 2317 ~~metropolitan planning organization or other transportation agency that provides technical~~  
 2318 ~~planning assistance;]~~

2319 ~~[(U) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a

2320 community reinvestment agency, redevelopment agency, or community development and  
2321 renewal agency to create or subsidize moderate income housing; [and]  
2322 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,  
2323 Part 6, Housing and Transit Reinvestment Zone Act;  
2324 (R) eliminate impact fees for any accessory dwelling unit that is not an internal  
2325 accessory dwelling unit as defined in Section [10-9a-530](#);  
2326 (S) create a program to transfer development rights for moderate income housing;  
2327 (T) ratify a joint acquisition agreement with another local political subdivision for the  
2328 purpose of combining resources to acquire property for moderate income housing;  
2329 (U) develop a moderate income housing project for residents who are disabled or 55  
2330 years of age or older; and  
2331 (V) [~~consider~~] demonstrate implementation of any other program or strategy  
2332 [~~implemented by the county~~] to address the housing needs of residents of the county who earn  
2333 less than 80% of the area median income, including the dedication of a local funding source to  
2334 moderate income housing or the adoption of a land use ordinance that requires 10% or more of  
2335 new residential development in a residential zone be dedicated to moderate income housing.  
2336 (iii) If a specified county has created a small public transit district, as defined in  
2337 Section [17B-2a-802](#), on or before January 1, 2022, the specified county shall:  
2338 (A) include, as part of the specified county's recommended strategies under Subsection  
2339 (2)(b)(ii), a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q);  
2340 and  
2341 (B) in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment  
2342 Zone Act, create the housing and transit reinvestment zone on or before December 31, 2022.  
2343 (c) In drafting the land use element, the planning commission shall:  
2344 (i) identify and consider each agriculture protection area within the unincorporated area  
2345 of the county or mountainous planning district; [and]  
2346 (ii) avoid proposing a use of land within an agriculture protection area that is  
2347 inconsistent with or detrimental to the use of the land for agriculture[-]; and  
2348 (iii) consider and coordinate with any station area plans adopted by municipalities  
2349 located within the county under Section [10-9a-403.1](#).  
2350 (d) In drafting the transportation and traffic circulation element, the planning

2351 commission shall:

2352 (i) (A) consider and coordinate with the regional transportation plan developed by [its]  
2353 the region's metropolitan planning organization, if the relevant areas of the county are within  
2354 the boundaries of a metropolitan planning organization; or

2355 ~~[(i)]~~ (B) consider and coordinate with the long-range transportation plan developed by  
2356 the Department of Transportation, if the relevant areas of the county are not within the  
2357 boundaries of a metropolitan planning organization[-]; and

2358 (ii) consider and coordinate with any station area plans adopted by municipalities  
2359 located within the county under Section [10-9a-403.1](#).

2360 (e) (i) In drafting the implementation plan portion of the moderate income housing  
2361 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a  
2362 timeline for implementing each of the moderate income housing strategies selected by the  
2363 county for implementation.

2364 (ii) The timeline described in Subsection (2)(e)(i) shall:

2365 (A) identify specific measures and benchmarks for implementing each moderate  
2366 income housing strategy selected by the county; and

2367 (B) provide flexibility for the county to make adjustments as needed.

2368 (3) The proposed general plan may include:

2369 (a) an environmental element that addresses:

2370 (i) to the extent not covered by the county's resource management plan, the protection,  
2371 conservation, development, and use of natural resources, including the quality of air, forests,  
2372 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;  
2373 and

2374 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
2375 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
2376 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
2377 protection of watersheds and wetlands, and the mapping of known geologic hazards;

2378 (b) a public services and facilities element showing general plans for sewage, water,  
2379 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
2380 police and fire protection, and other public services;

2381 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and

2382 programs for:

2383 (i) historic preservation;

2384 (ii) the diminution or elimination of a development impediment as defined in Section  
2385 17C-1-102; and

2386 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
2387 public building sites;

2388 (d) an economic element composed of appropriate studies and forecasts, as well as an  
2389 economic development plan, which may include review of existing and projected county  
2390 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
2391 primary and secondary market areas, employment, and retail sales activity;

2392 (e) recommendations for implementing all or any portion of the general plan, including  
2393 the use of land use ordinances, capital improvement plans, community development and  
2394 promotion, and any other appropriate action;

2395 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or  
2396 (3)(a)(i); and

2397 (g) any other element the county considers appropriate.

2398 Section 15. Section 17-27a-404 is amended to read:

2399 **17-27a-404. Public hearing by planning commission on proposed general plan or**  
2400 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
2401 **by legislative body.**

2402 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
2403 amend the general plan, the planning commission shall schedule and hold a public hearing on  
2404 the proposed plan or amendment.

2405 (b) The planning commission shall provide notice of the public hearing, as required by  
2406 Section 17-27a-204.

2407 (c) After the public hearing, the planning commission may modify the proposed  
2408 general plan or amendment.

2409 (2) The planning commission shall forward the proposed general plan or amendment to  
2410 the legislative body.

2411 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body  
2412 shall provide notice of its intent to consider the general plan proposal.

2413 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
2414 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
2415 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection  
2416 (3)(b).

2417 (ii) The hearing format shall allow adequate time for public comment at the actual  
2418 public hearing, and shall also allow for public comment in writing to be submitted to the  
2419 legislative body for not fewer than 90 days after the date of the public hearing.

2420 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
2421 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are  
2422 complete.

2423 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
2424 the state Legislature, executive director of the Department of Environmental Quality, the state  
2425 planning coordinator, the Resource Development Coordinating Committee, and any other  
2426 citizens or entities who specifically request notice in writing.

2427 (iii) Public notice shall be given by publication on the Utah Public Notice Website  
2428 created in Section 63A-16-601.

2429 (iv) The notice shall be published to allow reasonable time for interested parties and  
2430 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4),  
2431 including publication described in Subsection (3)(c)(iii) for 180 days before the date of the  
2432 hearing to be held under this Subsection (3).

2433 (4) (a) After the public hearing required under this section, the legislative body may  
2434 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

2435 (b) The legislative body shall respond in writing and in a substantive manner to all  
2436 those providing comments as a result of the hearing required by Subsection (3).

2437 (c) If the county legislative body rejects the proposed general plan or amendment, it  
2438 may provide suggestions to the planning commission for the planning commission's review and  
2439 recommendation.

2440 (5) The legislative body shall adopt:

2441 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

2442 (b) a transportation and traffic circulation element as provided in Subsection  
2443 17-27a-403(2)(a)(ii);

2444 ~~[(c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to~~  
2445 ~~provide a realistic opportunity to meet the need for additional moderate income housing; and]~~  
2446 (c) for a specified county as defined in Section 17-27-408, a moderate income housing  
2447 element as provided in Subsection 17-27a-403(2)(a)(iii); and  
2448 (d) ~~[before August 1, 2017,]~~ a resource management plan as provided by Subsection  
2449 17-27a-403(2)(a)(iv).

2450 Section 16. Section 17-27a-408 is amended to read:

2451 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for**  
2452 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

2453 ~~[(1) The legislative body of each county of the first, second, or third class, which has a~~  
2454 ~~population in the county's unincorporated areas of more than 5,000 residents, shall annually:]~~

2455 ~~[(a) review the moderate income housing plan element of the county's general plan and~~  
2456 ~~implementation of that element of the general plan;]~~

2457 ~~[(b) prepare a report on the findings of the review described in Subsection (1)(a); and]~~

2458 ~~[(c) post the report described in Subsection (1)(b) on the county's website.]~~

2459 ~~[(2) The report described in Subsection (1) shall include:]~~

2460 ~~[(a) a revised estimate of the need for moderate income housing in the unincorporated~~  
2461 ~~areas of the county for the next five years;]~~

2462 ~~[(b) a description of progress made within the unincorporated areas of the county to~~  
2463 ~~provide moderate income housing demonstrated by analyzing and publishing data on the~~  
2464 ~~number of housing units in the county that are at or below:]~~

2465 ~~[(i) 80% of the adjusted median family income;]~~

2466 ~~[(ii) 50% of the adjusted median family income; and]~~

2467 ~~[(iii) 30% of the adjusted median family income;]~~

2468 ~~[(c) a description of any efforts made by the county to utilize a moderate income~~  
2469 ~~housing set-aside from a community reinvestment agency, redevelopment agency, or a~~  
2470 ~~community development and renewal agency; and]~~

2471 ~~[(d) a description of how the county has implemented any of the recommendations~~  
2472 ~~related to moderate income housing described in Subsection 17-27a-403(2)(b)(ii).]~~

2473 ~~[(3) The legislative body of each county described in Subsection (1) shall send a copy~~  
2474 ~~of the report under Subsection (1) to the Department of Workforce Services, the association of~~



2475 ~~governments in which the county is located, and, if the unincorporated area of the county is~~  
2476 ~~located within the boundaries of a metropolitan planning organization, the appropriate~~  
2477 ~~metropolitan planning organization.] (1) As used in this section:~~

2478 (a) "Division" means the Housing and Community Development Division within the  
2479 Department of Workforce Services.

2480 (b) "Implementation plan" means the implementation plan adopted as part of the  
2481 moderate income housing element of a specified county's general plan as provided in  
2482 Subsection [10-9a-403\(2\)\(c\)](#).

2483 (c) "Moderate income housing report" or "report" means the report described in  
2484 Subsection (2)(a).

2485 (d) "Moderate income housing strategy" means a strategy described in Subsection  
2486 [17-27a-403\(2\)\(b\)\(ii\)](#).

2487 (e) "Specified county" means a county of the first, second, or third class, which has a  
2488 population of more than 5,000 in the county's unincorporated areas.

2489 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative  
2490 body of a specified county shall annually submit a written moderate income housing report to  
2491 the division.

2492 (b) The moderate income housing report submitted in 2022 shall include:

2493 (i) a description of each moderate income housing strategy selected by the specified  
2494 county for implementation; and

2495 (ii) an implementation plan.

2496 (c) The moderate income housing report submitted in each calendar year after 2022  
2497 shall include:

2498 (i) the information required under Subsection (2)(b);

2499 (ii) a description of each action, whether one-time or ongoing, taken by the specified  
2500 county during the previous fiscal year to implement the moderate income housing strategies  
2501 selected by the specified county for implementation;

2502 (iii) a description of each land use regulation or land use decision made by the  
2503 specified county during the previous fiscal year to implement the moderate income housing  
2504 strategies, including an explanation of how the land use regulation or land use decision  
2505 supports the specified county's efforts to implement the moderate income housing strategies;

2506 (iv) a description of any barriers encountered by the specified county in the previous  
2507 fiscal year in implementing the moderate income housing strategies; and

2508 (v) information regarding the number of internal and external or detached accessory  
2509 dwelling units located within the specified county for which the specified county:

2510 (A) issued a building permit to construct; or  
2511 (B) issued a business license to rent;

2512 (vi) a description of how the market has responded to the selected moderate income  
2513 housing strategies, including the number of entitled moderate income housing units or other  
2514 relevant data; and

2515 (vii) any recommendations on how the state can support the specified county in  
2516 implementing the moderate income housing strategies.

2517 (d) The moderate income housing report shall be in a form:

2518 (i) approved by the division; and  
2519 (ii) made available by the division on or before July 1 of the year in which the report is  
2520 required.

2521 (3) Within 90 days after the day on which the division receives a specified county's  
2522 moderate income housing report, the division shall:

2523 (a) post the report on the division's website;  
2524 (b) send a copy of the report to the Department of Transportation, the Governor's  
2525 Office of Planning and Budget, the association of governments in which the specified county is  
2526 located, and, if the unincorporated area of the specified county is located within the boundaries  
2527 of a metropolitan planning organization, the appropriate metropolitan planning organization;  
2528 and

2529 (c) subject to Subsection (4), review the report to determine compliance with  
2530 Subsection (2).

2531 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the  
2532 report:

2533 (i) includes the information required under Subsection (2)(b);  
2534 (ii) demonstrates to the division that the specified county made plans to implement  
2535 three or more moderate income housing strategies; and  
2536 (iii) is in a form approved by the division.

2537 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the  
2538 report:

2539 (i) includes the information required under Subsection (2)(c);  
2540 (ii) demonstrates to the division that the specified county made plans to implement  
2541 three or more moderate income housing strategies;  
2542 (iii) is in a form approved by the division; and  
2543 (iv) provides sufficient information for the division to:  
2544 (A) assess the specified county's progress in implementing the moderate income  
2545 housing strategies;  
2546 (B) monitor compliance with the specified county's implementation plan;  
2547 (C) identify a clear correlation between the specified county's land use decisions and  
2548 efforts to implement the moderate income housing strategies; and  
2549 (D) identify how the market has responded to the specified county's selected moderate  
2550 income housing strategies.

2551 (5) (a) A specified county qualifies for priority consideration under this Subsection (5)  
2552 if the specified county's moderate income housing report:

2553 (i) complies with Subsection (2); and  
2554 (ii) demonstrates to the division that the specified county made plans to implement five  
2555 or more moderate income housing strategies.

2556 (b) The following apply to a specified county described in Subsection (5)(a) during the  
2557 fiscal year immediately following the fiscal year in which the report is required:

2558 (i) the Transportation Commission may give priority consideration to transportation  
2559 projects located within the unincorporated areas of the specified county in accordance with  
2560 Subsection [72-1-304\(3\)\(c\)](#); and  
2561 (ii) the Governor's Office of Planning and Budget may give priority consideration for  
2562 awarding financial grants to the specified county under the COVID-19 Local Assistance  
2563 Matching Grant Program in accordance with Subsection [63J-4-802\(6\)](#).

2564 (c) Upon determining that a specified county qualifies for priority consideration under  
2565 this Subsection (5), the division shall send a notice of prioritization to the legislative body of  
2566 the specified county, the Department of Transportation, and the Governor's Office of Planning  
2567 and Budget.

- 2568 (d) The notice described in Subsection (5)(c) shall:  
2569 (i) name the specified county that qualifies for priority consideration;  
2570 (ii) describe the funds or projects for which the specified county qualifies to receive  
2571 priority consideration;  
2572 (iii) specify the fiscal year during which the specified county qualifies for priority  
2573 consideration; and  
2574 (iv) state the basis for the division's determination that the specified county qualifies  
2575 for priority consideration.
- 2576 (6) (a) If the division, after reviewing a specified county's moderate income housing  
2577 report, determines that the report does not comply with Subsection (2), the division shall send a  
2578 notice of noncompliance to the legislative body of the specified county.
- 2579 (b) The notice described in Subsection (6)(a) shall:  
2580 (i) describe each deficiency in the report and the actions needed to cure each  
2581 deficiency;  
2582 (ii) state that the specified county has an opportunity to cure the deficiencies within 45  
2583 days after the day on which the notice is sent; and  
2584 (iii) state that failure to cure the deficiencies within 90 days after the day on which the  
2585 notice is sent will result in ineligibility for funds under Subsection (7).
- 2586 (7) (a) A specified county is ineligible for funds under this Subsection (7) if the  
2587 specified county:  
2588 (i) fails to submit a moderate income housing report to the division; or  
2589 (ii) fails to cure the deficiencies in the specified county's moderate income housing  
2590 report within 90 days after the day on which the division sent to the specified county a notice of  
2591 noncompliance under Subsection (6).
- 2592 (b) The following apply to a specified county described in Subsection (7)(a) during the  
2593 fiscal year immediately following the fiscal year in which the report is required:  
2594 (i) the executive director of the Department of Transportation may not program funds  
2595 from the Transportation Investment Fund of 2005, including the Transit Transportation  
2596 Investment Fund, to projects located within the unincorporated areas of the specified county in  
2597 accordance with Subsection 72-2-124(6); and  
2598 (ii) the Governor's Office of Planning and Budget may not award financial grants to the

2599 specified county under the COVID-19 Local Assistance Matching Grant Program in  
 2600 accordance with Subsection 63J-4-802(7).

2601 (c) Upon determining that a specified county is ineligible for funds under this  
 2602 Subsection (7), the division shall send a notice of ineligibility to the legislative body of the  
 2603 specified county, the Department of Transportation, and the Governor's Office of Planning and  
 2604 Budget.

2605 (d) The notice described in Subsection (7)(c) shall:

2606 (i) name the specified county that is ineligible for funds;

2607 (ii) describe the funds for which the specified county is ineligible to receive;

2608 (iii) specify the fiscal year during which the specified county is ineligible for funds;

2609 and

2610 (iv) state the basis for the division's determination that the specified county is ineligible  
 2611 for funds.

2612 ~~[(4)]~~ (8) In a civil action seeking enforcement or claiming a violation of this section or  
 2613 of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only  
 2614 injunctive or other equitable relief.

2615 Section 17. Section 17-27a-508 is amended to read:

2616 **17-27a-508. Applicant's entitlement to land use application approval --**  
 2617 **Application relating to land in a high priority transportation corridor -- County's**  
 2618 **requirements and limitations -- Vesting upon submission of development plan and**  
 2619 **schedule.**

2620 (1) (a) (i) An applicant who has submitted a complete land use application, including  
 2621 the payment of all application fees, is entitled to substantive review of the application under the  
 2622 land use regulations:

2623 (A) in effect on the date that the application is complete; and

2624 (B) applicable to the application or to the information shown on the submitted  
 2625 application.

2626 (ii) An applicant is entitled to approval of a land use application if the application  
 2627 conforms to the requirements of the applicable land use regulations, land use decisions, and  
 2628 development standards in effect when the applicant submits a complete application and pays all  
 2629 application fees, unless:

2630 (A) the land use authority, on the record, formally finds that a compelling,  
2631 countervailing public interest would be jeopardized by approving the application and specifies  
2632 the compelling, countervailing public interest in writing; or

2633 (B) in the manner provided by local ordinance and before the applicant submits the  
2634 application, the county formally initiates proceedings to amend the county's land use  
2635 regulations in a manner that would prohibit approval of the application as submitted.

2636 (b) The county shall process an application without regard to proceedings the county  
2637 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

2638 (i) 180 days have passed since the county initiated the proceedings; and

2639 (ii) the proceedings have not resulted in an enactment that prohibits approval of the  
2640 application as submitted.

2641 (c) A land use application is considered submitted and complete when the applicant  
2642 provides the application in a form that complies with the requirements of applicable ordinances  
2643 and pays all applicable fees.

2644 (d) The continuing validity of an approval of a land use application is conditioned upon  
2645 the applicant proceeding after approval to implement the approval with reasonable diligence.

2646 (e) A county may not impose on an applicant who has submitted a complete  
2647 application a requirement that is not expressed:

2648 (i) in this chapter;

2649 (ii) in a county ordinance; or

2650 (iii) in a county specification for public improvements applicable to a subdivision or  
2651 development that is in effect on the date that the applicant submits an application.

2652 (f) A county may not impose on a holder of an issued land use permit or a final,  
2653 unexpired subdivision plat a requirement that is not expressed:

2654 (i) in a land use permit;

2655 (ii) on the subdivision plat;

2656 (iii) in a document on which the land use permit or subdivision plat is based;

2657 (iv) in the written record evidencing approval of the land use permit or subdivision  
2658 plat;

2659 (v) in this chapter; or

2660 (vi) in a county ordinance.

2661 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a  
2662 certificate of occupancy or acceptance of subdivision improvements because of an applicant's  
2663 failure to comply with a requirement that is not expressed:

2664 (i) in the building permit or subdivision plat, documents on which the building permit  
2665 or subdivision plat is based, or the written record evidencing approval of the building permit or  
2666 subdivision plat; or

2667 (ii) in this chapter or the county's ordinances.

2668 (h) A county may not unreasonably withhold issuance of a certificate of occupancy  
2669 where an applicant has met all requirements essential for the public health, public safety, and  
2670 general welfare of the occupants, in accordance with this chapter, unless:

2671 (i) the applicant and the county have agreed in a written document to the withholding  
2672 of a certificate of occupancy; or

2673 (ii) the applicant has not provided a financial assurance for required and uncompleted  
2674 landscaping or infrastructure improvements in accordance with an applicable ordinance that the  
2675 legislative body adopts under this chapter.

2676 (2) A county is bound by the terms and standards of applicable land use regulations and  
2677 shall comply with mandatory provisions of those regulations.

2678 (3) A county may not, as a condition of land use application approval, require a person  
2679 filing a land use application to obtain documentation regarding a school district's willingness,  
2680 capacity, or ability to serve the development proposed in the land use application.

2681 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on  
2682 which a subdivision plat is recorded, a county may not impose on a building permit applicant  
2683 for a single-family dwelling located within the subdivision any land use regulation that is  
2684 enacted within 10 years after the day on which the subdivision plat is recorded.

2685 (b) Subsection (4)(a) does not apply to any changes in the requirements of the  
2686 applicable building code, health code, or fire code, or other similar regulations.

2687 (5) Upon a specified public agency's submission of a development plan and schedule as  
2688 required in Subsection [17-27a-305](#)(8) that complies with the requirements of that subsection,  
2689 the specified public agency vests in the county's applicable land use maps, zoning map, hookup  
2690 fees, impact fees, other applicable development fees, and land use regulations in effect on the  
2691 date of submission.

2692 (6) (a) If sponsors of a referendum timely challenge a project in accordance with  
2693 Subsection 20A-7-601~~(5)~~(6), the project's affected owner may rescind the project's land use  
2694 approval by delivering a written notice:

2695 (i) to the local clerk as defined in Section 20A-7-101; and

2696 (ii) no later than seven days after the day on which a petition for a referendum is  
2697 determined sufficient under Subsection 20A-7-607(4).

2698 (b) Upon delivery of a written notice described in Subsection (6)(a) the following are  
2699 rescinded and are of no further force or effect:

2700 (i) the relevant land use approval; and

2701 (ii) any land use regulation enacted specifically in relation to the land use approval.

2702 Section 18. Section 17-27a-510.5 is amended to read:

2703 **17-27a-510.5. Changes to dwellings -- Egress windows.**

2704 (1) As used in this section:

2705 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

2706 (i) within a primary dwelling;

2707 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the  
2708 time the internal accessory dwelling unit is created; and

2709 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

2710 (b) "Primary dwelling" means a single-family dwelling that:

2711 (i) is detached; and

2712 (ii) is occupied as the primary residence of the owner of record.

2713 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

2714 (2) A county ordinance adopted under Section 10-1-203.5 may not:

2715 (a) require physical changes in a structure with a legal nonconforming rental dwelling  
2716 use unless the change is for:

2717 (i) the reasonable installation of:

2718 (A) a smoke detector that is plugged in or battery operated;

2719 (B) a ground fault circuit interrupter protected outlet on existing wiring;

2720 (C) street addressing;

2721 (D) except as provided in Subsection (3), an egress bedroom window if the existing

2722 bedroom window is smaller than that required by current State Construction Code;



2723 (E) an electrical system or a plumbing system, if the existing system is not functioning  
2724 or is unsafe as determined by an independent electrical or plumbing professional who is  
2725 licensed in accordance with Title 58, Occupations and Professions;

2726 (F) hand or guard rails; or

2727 (G) occupancy separation doors as required by the International Residential Code; or

2728 (ii) the abatement of a structure; or

2729 (b) be enforced to terminate a legal nonconforming rental dwelling use.

2730 (3) (a) A county may not require physical changes to install an egress or emergency  
2731 escape window in an existing bedroom that complied with the State Construction Code in  
2732 effect at the time the bedroom was finished if:

2733 (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

2734 (A) a detached one-, two-, three-, or four-family dwelling; or

2735 (B) a town home that is not more than three stories above grade with a separate means  
2736 of egress; and

2737 (ii) (A) the window in the existing bedroom is smaller than that required by current  
2738 State Construction Code; and

2739 (B) the change would compromise the structural integrity of the structure or could not  
2740 be completed in accordance with current State Construction Code, including set-back and  
2741 window well requirements.

2742 (b) Subject to Section 17-27a-526, Subsection (3)(a) [~~does not apply~~] applies only to an  
2743 internal accessory dwelling unit constructed before October 1, 2021.

2744 (4) Nothing in this section prohibits a county from:

2745 (a) regulating the style of window that is required or allowed in a bedroom;

2746 (b) requiring that a window in an existing bedroom be fully openable if the openable  
2747 area is less than required by current State Construction Code; or

2748 (c) requiring that an existing window not be reduced in size if the openable area is  
2749 smaller than required by current State Construction Code.

2750 Section 19. Section **17-27a-526** is amended to read:

2751 **17-27a-526. Internal accessory dwelling units.**

2752 (1) As used in this section:

2753 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

2754 (i) within a primary dwelling;

2755 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the  
2756 time the internal accessory dwelling unit is created; and

2757 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

2758 (b) "Primary dwelling" means a single-family dwelling that:

2759 (i) is detached; and

2760 (ii) is occupied as the primary residence of the owner of record.

2761 (2) In any area zoned primarily for residential use:

2762 (a) the use of an internal accessory dwelling unit is a permitted use; and

2763 (b) except as provided in Subsections (3) and (4), a county may not establish any  
2764 restrictions or requirements for the construction or use of one internal accessory dwelling unit  
2765 within a primary dwelling, including a restriction or requirement governing:

2766 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

2767 (ii) total lot size; or

2768 (iii) street frontage.

2769 (3) (a) This Subsection (3) applies only to an internal accessory dwelling unit created  
2770 on or after October 1, 2021.

2771 [~~(3)~~] (b) An internal accessory dwelling unit shall comply with all applicable building,  
2772 health, and fire codes.

2773 (c) A county shall require the owner of a primary dwelling to:

2774 (i) obtain a permit or license for renting an internal accessory dwelling unit; or

2775 (ii) obtain a building permit for constructing an internal accessory dwelling unit.

2776 [~~(4)~~] (d) A county may:

2777 [~~(a)~~] (i) prohibit the installation of a separate utility meter for an internal accessory  
2778 dwelling unit;

2779 [~~(b)~~] (ii) require that an internal accessory dwelling unit be designed in a manner that  
2780 does not change the appearance of the primary dwelling as a single-family dwelling;

2781 [~~(c)~~] (iii) require a primary dwelling:

2782 [~~(i)~~] (A) to include one additional on-site parking space for an internal accessory  
2783 dwelling unit, regardless of whether the primary dwelling is existing or new construction; and

2784 [~~(ii)~~] (B) to replace any parking spaces contained within a garage or carport if an

2785 internal accessory dwelling unit is created within the garage or carport;

2786 ~~[(f)]~~ (iv) prohibit the creation of an internal accessory dwelling unit within a mobile  
2787 home as defined in Section [57-16-3](#);

2788 ~~[(e)] require the owner of a primary dwelling to obtain a permit or license for renting an  
2789 internal accessory dwelling unit;~~

2790 ~~[(f)]~~ (v) prohibit the creation of an internal accessory dwelling unit within a zoning  
2791 district covering an area that is equivalent to 25% or less of the total unincorporated area in the  
2792 county that is zoned primarily for residential use;

2793 ~~[(g)]~~ (vi) prohibit the creation of an internal accessory dwelling unit if the primary  
2794 dwelling is served by a failing septic tank;

2795 ~~[(h)]~~ (vii) prohibit the creation of an internal accessory dwelling unit if the lot  
2796 containing the primary dwelling is 6,000 square feet or less in size;

2797 ~~[(i)]~~ (viii) prohibit the rental or offering the rental of an internal accessory dwelling  
2798 unit for a period of less than 30 consecutive days;

2799 ~~[(j)]~~ (ix) prohibit the rental of an internal accessory dwelling unit if the internal  
2800 accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary  
2801 residence;

2802 ~~[(k)]~~ (x) hold a lien against a property that contains an internal accessory dwelling unit  
2803 in accordance with Subsection (5); and

2804 ~~[(l)]~~ (xi) record a notice for an internal accessory dwelling unit in accordance with  
2805 Subsection (6).

2806 (4) (a) This Subsection (4) applies only to an internal accessory dwelling unit  
2807 constructed before October 1, 2021.

2808 (b) A county shall require the owner of a primary dwelling to obtain a permit or license  
2809 for renting an internal accessory dwelling unit.

2810 (c) In accordance with Section [17-27a-510.5](#), a county may require the owner of a  
2811 primary dwelling to:

2812 (i) install a smoke detector within an internal accessory dwelling unit that is plugged in  
2813 or battery operated; and

2814 (ii) by no later than May 4, 2025, install an egress bedroom window within an internal  
2815 accessory dwelling unit if the existing bedroom window is smaller than that required by current

2816 State Construction Code.

2817 (5) (a) In addition to any other legal or equitable remedies available to a county, a  
2818 county may hold a lien against a property that contains an internal accessory dwelling unit if:

2819 (i) the owner of the property violates any of the provisions of this section or any  
2820 ordinance adopted under Subsection (3) or (4);

2821 (ii) the county provides a written notice of violation in accordance with Subsection  
2822 (5)(b);

2823 (iii) the county holds a hearing and determines that the violation has occurred in  
2824 accordance with Subsection (5)(d), if the owner files a written objection in accordance with  
2825 Subsection (5)(b)(iv);

2826 (iv) the owner fails to cure the violation within the time period prescribed in the  
2827 written notice of violation under Subsection (5)(b);

2828 (v) the county provides a written notice of lien in accordance with Subsection (5)(c);  
2829 and

2830 (vi) the county records a copy of the written notice of lien described in Subsection  
2831 (5)(a)(iv) with the county recorder of the county in which the property is located.

2832 (b) The written notice of violation shall:

2833 (i) describe the specific violation;

2834 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity  
2835 to cure the violation that is:

2836 (A) no less than 14 days after the day on which the county sends the written notice of  
2837 violation, if the violation results from the owner renting or offering to rent the internal  
2838 accessory dwelling unit for a period of less than 30 consecutive days; or

2839 (B) no less than 30 days after the day on which the county sends the written notice of  
2840 violation, for any other violation; and

2841 (iii) state that if the owner of the property fails to cure the violation within the time  
2842 period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an  
2843 amount of up to \$100 for each day of violation after the day on which the opportunity to cure  
2844 the violation expires;

2845 (iv) notify the owner of the property:

2846 (A) that the owner may file a written objection to the violation within 14 days after the

2847 day on which the written notice of violation is post-marked or posted on the property; and  
2848 (B) of the name and address of the county office where the owner may file the written  
2849 objection;  
2850 (v) be mailed to:  
2851 (A) the property's owner of record; and  
2852 (B) any other individual designated to receive notice in the owner's license or permit  
2853 records; and  
2854 (vi) be posted on the property.  
2855 (c) The written notice of lien shall:  
2856 (i) comply with the requirements of Section 38-12-102;  
2857 (ii) describe the specific violation;  
2858 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after  
2859 the day on which the opportunity to cure the violation expires;  
2860 (iv) be mailed to:  
2861 (A) the property's owner of record; and  
2862 (B) any other individual designated to receive notice in the owner's license or permit  
2863 records; and  
2864 (v) be posted on the property.  
2865 (d) (i) If an owner of property files a written objection in accordance with Subsection  
2866 (5)(b)(iv), the county shall:  
2867 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings  
2868 Act, to conduct a review and determine whether the specific violation described in the written  
2869 notice of violation under Subsection (5)(b) has occurred; and  
2870 (B) notify the owner in writing of the date, time, and location of the hearing described  
2871 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.  
2872 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a  
2873 county may not record a lien under this Subsection (5) until the county holds a hearing and  
2874 determines that the specific violation has occurred.  
2875 (iii) If the county determines at the hearing that the specific violation has occurred, the  
2876 county may impose a lien in an amount of up to \$100 for each day of violation after the day on  
2877 which the opportunity to cure the violation expires, regardless of whether the hearing is held

2878 after the day on which the opportunity to cure the violation has expired.

2879 (e) If an owner cures a violation within the time period prescribed in the written notice  
2880 of violation under Subsection (5)(b), the county may not hold a lien against the property, or  
2881 impose any penalty or fee on the owner, in relation to the specific violation described in the  
2882 written notice of violation under Subsection (5)(b).

2883 (6) (a) A county that issues, on or after October 1, 2021, a permit or license to an  
2884 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to  
2885 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a  
2886 notice in the office of the recorder of the county in which the primary dwelling is located.

2887 (b) The notice described in Subsection (6)(a) shall include:

2888 (i) a description of the primary dwelling;

2889 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

2890 and

2891 (iii) a statement that the internal accessory dwelling unit may only be used in  
2892 accordance with the county's land use regulations.

2893 (c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a  
2894 copy of the notice to the owner of the internal accessory dwelling unit.

2895 Section 20. Section **17B-2a-802** is amended to read:

2896 **17B-2a-802. Definitions.**

2897 As used in this part:

2898 (1) "Affordable housing" means housing occupied or reserved for occupancy by  
2899 households that meet certain gross household income requirements based on the area median  
2900 income for households of the same size.

2901 (a) "Affordable housing" may include housing occupied or reserved for occupancy by  
2902 households that meet specific area median income targets or ranges of area median income  
2903 targets.

2904 (b) "Affordable housing" does not include housing occupied or reserved for occupancy  
2905 by households with gross household incomes that are more than 60% of the area median  
2906 income for households of the same size.

2907 (2) "Appointing entity" means the person, county, unincorporated area of a county, or  
2908 municipality appointing a member to a public transit district board of trustees.

2909 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a  
2910 small public transit district to serve as chief executive officer.

2911 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities  
2912 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and  
2913 responsibilities assigned to the general manager but prescribed by the board of trustees to be  
2914 fulfilled by the chief executive officer.

2915 (4) "Council of governments" means a decision-making body in each county composed  
2916 of membership including the county governing body and the mayors of each municipality in the  
2917 county.

2918 (5) "Department" means the Department of Transportation created in Section 72-1-201.

2919 (6) "Executive director" means a person appointed by the board of trustees of a large  
2920 public transit district to serve as executive director.

2921 (7) (a) "General manager" means a person appointed by the board of trustees of a small  
2922 public transit district to serve as general manager.

2923 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in  
2924 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public  
2925 transit district.

2926 (8) "Large public transit district" means a public transit district that provides public  
2927 transit to an area that includes:

2928 (a) more than 65% of the population of the state based on the most recent official  
2929 census or census estimate of the United States Census Bureau; and

2930 (b) two or more counties.

2931 (9) (a) "Locally elected public official" means a person who holds an elected position  
2932 with a county or municipality.

2933 (b) "Locally elected public official" does not include a person who holds an elected  
2934 position if the elected position is not with a county or municipality.

2935 (10) "Metropolitan planning organization" means the same as that term is defined in  
2936 Section 72-1-208.5.

2937 (11) "Multicounty district" means a public transit district located in more than one  
2938 county.

2939 (12) "Operator" means a public entity or other person engaged in the transportation of

2940 passengers for hire.

2941 (13) (a) "Public transit" means regular, continuing, shared-ride, surface transportation  
2942 services that are open to the general public or open to a segment of the general public defined  
2943 by age, disability, or low income.

2944 (b) "Public transit" does not include transportation services provided by:

2945 (i) chartered bus;

2946 (ii) sightseeing bus;

2947 (iii) taxi;

2948 (iv) school bus service;

2949 (v) courtesy shuttle service for patrons of one or more specific establishments; or

2950 (vi) intra-terminal or intra-facility shuttle services.

2951 (14) "Public transit district" means a local district that provides public transit services.

2952 (15) "Small public transit district" means any public transit district that is not a large  
2953 public transit district.

2954 ~~[(16) "Station area plan" means a plan adopted by the relevant municipality or county  
2955 that establishes and preserves a vision for areas within one-half mile of a fixed guideway  
2956 station of a large public transit district, the development of which includes:]~~

2957 ~~[(a) involvement of all relevant stakeholders who have an interest in the station area,  
2958 including relevant metropolitan planning organizations;]~~

2959 ~~[(b) identification of major infrastructural and policy constraints and a course of action  
2960 to address those constraints; and]~~

2961 ~~[(c) other criteria as determined by the board of trustees of the relevant public transit  
2962 district.]~~

2963 (16) "Station area plan" means a plan developed and adopted by a municipality in  
2964 accordance with Section [10-9a-403.1](#).

2965 (17) "Transit facility" means a transit vehicle, transit station, depot, passenger loading  
2966 or unloading zone, parking lot, or other facility:

2967 (a) leased by or operated by or on behalf of a public transit district; and

2968 (b) related to the public transit services provided by the district, including:

2969 (i) railway or other right-of-way;

2970 (ii) railway line; and



2971 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by  
2972 a transit vehicle.

2973 (18) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle  
2974 operated as public transportation by a public transit district.

2975 (19) "Transit-oriented development" means a mixed use residential or commercial area  
2976 that is designed to maximize access to public transit and includes the development of land  
2977 owned by a large public transit district.

2978 (20) "Transit-supportive development" means a mixed use residential or commercial  
2979 area that is designed to maximize access to public transit and does not include the development  
2980 of land owned by a large public transit district.

2981 Section 21. Section **17B-2a-804** is amended to read:

2982 **17B-2a-804. Additional public transit district powers.**

2983 (1) In addition to the powers conferred on a public transit district under Section  
2984 [17B-1-103](#), a public transit district may:

2985 (a) provide a public transit system for the transportation of passengers and their  
2986 incidental baggage;

2987 (b) notwithstanding Subsection [17B-1-103\(2\)\(g\)](#) and subject to Section [17B-2a-817](#),  
2988 levy and collect property taxes only for the purpose of paying:

2989 (i) principal and interest of bonded indebtedness of the public transit district; or

2990 (ii) a final judgment against the public transit district if:

2991 (A) the amount of the judgment exceeds the amount of any collectable insurance or  
2992 indemnity policy; and

2993 (B) the district is required by a final court order to levy a tax to pay the judgment;

2994 (c) insure against:

2995 (i) loss of revenues from damage to or destruction of some or all of a public transit  
2996 system from any cause;

2997 (ii) public liability;

2998 (iii) property damage; or

2999 (iv) any other type of event, act, or omission;

3000 (d) acquire, contract for, lease, construct, own, operate, control, or use:

3001 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,

- 3002 parking lot, or any other facility necessary or convenient for public transit service; or
- 3003 (ii) any structure necessary for access by persons and vehicles;
- 3004 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
- 3005 equipment, service, employee, or management staff of an operator; and
- 3006 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
- 3007 public interest;
- 3008 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
- 3009 (g) accept a grant, contribution, or loan, directly through the sale of securities or
- 3010 equipment trust certificates or otherwise, from the United States, or from a department,
- 3011 instrumentality, or agency of the United States;
- 3012 (h) study and plan transit facilities in accordance with any legislation passed by
- 3013 Congress;
- 3014 (i) cooperate with and enter into an agreement with the state or an agency of the state
- 3015 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
- 3016 transit facilities;
- 3017 (j) subject to Subsection [17B-2a-808.1\(5\)](#), issue bonds as provided in and subject to
- 3018 Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
- 3019 (k) from bond proceeds or any other available funds, reimburse the state or an agency
- 3020 of the state for an advance or contribution from the state or state agency;
- 3021 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
- 3022 under federal law, including complying with labor standards and making arrangements for
- 3023 employees required by the United States or a department, instrumentality, or agency of the
- 3024 United States;
- 3025 (m) sell or lease property;
- 3026 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
- 3027 transit-supportive developments;
- 3028 (o) establish, finance, participate as a limited partner or member in a development with
- 3029 limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or
- 3030 operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented
- 3031 developments or transit-supportive developments; and
- 3032 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a

3033 transit-oriented development or a transit-supportive development in connection with project  
3034 area development as defined in Section 17C-1-102 by:

3035 (i) investing in a project as a limited partner or a member, with limited liabilities; or

3036 (ii) subordinating an ownership interest in real property owned by the public transit  
3037 district.

3038 (2) (a) A public transit district may only assist in the development of areas under  
3039 Subsection (1)(p) that have been approved by the board of trustees, and in the manners  
3040 described in Subsection (1)(p).

3041 (b) A public transit district may not invest in a transit-oriented development or  
3042 transit-supportive development as a limited partner or other limited liability entity under the  
3043 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,  
3044 makes an equity contribution equal to no less than 25% of the appraised value of the property  
3045 to be contributed by the public transit district.

3046 (c) (i) For transit-oriented development projects, a public transit district shall adopt  
3047 transit-oriented development policies and guidelines that include provisions on affordable  
3048 housing.

3049 (ii) For transit-supportive development projects, a public transit district shall work with  
3050 the metropolitan planning organization and city and county governments where the project is  
3051 located to collaboratively seek to create joint plans for the areas within one-half mile of transit  
3052 stations, including plans for affordable housing.

3053 (d) A current board member of a public transit district to which the board member is  
3054 appointed may not have any interest in the transactions engaged in by the public transit district  
3055 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's  
3056 fiduciary duty as a board member.

3057 (3) For any transit-oriented development or transit-supportive development authorized  
3058 in this section, the public transit district shall:

3059 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the  
3060 development, including effect on:

3061 (i) service and ridership;

3062 (ii) regional plans made by the metropolitan planning agency;

3063 (iii) the local economy;

3064 (iv) the environment and air quality;  
3065 (v) affordable housing; and  
3066 (vi) integration with other modes of transportation; and  
3067 (b) provide evidence to the public of a quantifiable positive return on investment,  
3068 including improvements to public transit service.  
3069 (4) A public transit district may [~~not~~] participate in a transit-oriented development only  
3070 if:  
3071 (a) for a transit-oriented development involving a municipality:  
3072 (i) the relevant municipality [~~or county~~] has [~~not~~] developed and adopted a station area  
3073 plan; and  
3074 [~~(b) (i) for a transit-oriented development involving a municipality;~~]  
3075 (ii) the municipality is [~~not~~] in compliance with Sections 10-9a-403 and 10-9a-408  
3076 regarding the inclusion of moderate income housing in the general plan and the required  
3077 reporting requirements; or  
3078 [(~~it~~)] (b) for a transit-oriented development involving property in an unincorporated  
3079 area of a county, the county is [~~not~~] in compliance with Sections 17-27a-403 and 17-27a-408  
3080 regarding inclusion of moderate income housing in the general plan and required reporting  
3081 requirements.  
3082 (5) A public transit district may be funded from any combination of federal, state,  
3083 local, or private funds.  
3084 (6) A public transit district may not acquire property by eminent domain.  
3085 Section 22. Section 20A-7-601 is amended to read:  
3086 **20A-7-601. Referenda -- General signature requirements -- Signature**  
3087 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**  
3088 **Time requirements.**  
3089 (1) As used in this section:  
3090 (a) "Number of active voters" means the number of active voters in the county, city, or  
3091 town on the immediately preceding January 1.  
3092 (b) "Qualifying county" means a county that has created a small public transit district,  
3093 as defined in Section 17B-2a-802, on or before January 1, 2022.  
3094 (c) "Qualifying transit area" means:

3095 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with  
3096 jurisdiction over the station area has satisfied the requirements of Subsection  
3097 10-9a-403.1(2)(a), as demonstrated by the adoption of a station area plan or resolution under  
3098 Subsection 10-9a-403.1(2); or

3099 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created  
3100 within a qualifying county.

3101 ~~[(b)]~~ (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in  
3102 the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

3103 ~~[(c)]~~ (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by  
3104 a local legislative body that imposes a tax or other payment obligation on property in an area  
3105 that does not include all precincts and subprecincts under the jurisdiction of the county, city,  
3106 town, or metro township.

3107 (ii) "Subjurisdictional law" does not include a land use law.

3108 (f) "Transit area land use law" means a land use law that relates to the use of land  
3109 within a qualifying transit area.

3110 ~~[(d)]~~ (g) "Voter participation area" means an area described in Subsection  
3111 20A-7-401.3(1)(a) or (2)(b).

3112 (2) Except as provided in ~~[Subsection (3) or (4)]~~ Subsections (3) through (5), an  
3113 eligible voter seeking to have a local law passed by the local legislative body submitted to a  
3114 vote of the people shall obtain legal signatures equal to:

3115 (a) for a county of the first class:

3116 (i) 7.75% of the number of active voters in the county; and

3117 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%  
3118 of the county's voter participation areas;

3119 (b) for a metro township with a population of 100,000 or more, or a city of the first  
3120 class:

3121 (i) 7.5% of the number of active voters in the metro township or city; and

3122 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%  
3123 of the metro township's or city's voter participation areas;

3124 (c) for a county of the second class:

3125 (i) 8% of the number of active voters in the county; and

3126 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of  
3127 the county's voter participation areas;

3128 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
3129 a city of the second class:

3130 (i) 8.25% of the number of active voters in the metro township or city; and

3131 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%  
3132 of the metro township's or city's voter participation areas;

3133 (e) for a county of the third class:

3134 (i) 9.5% of the number of active voters in the county; and

3135 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%  
3136 of the county's voter participation areas;

3137 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a  
3138 city of the third class:

3139 (i) 10% of the number of active voters in the metro township or city; and

3140 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%  
3141 of the metro township's or city's voter participation areas;

3142 (g) for a county of the fourth class:

3143 (i) 11.5% of the number of active voters in the county; and

3144 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%  
3145 of the county's voter participation areas;

3146 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a  
3147 city of the fourth class:

3148 (i) 11.5% of the number of active voters in the metro township or city; and

3149 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%  
3150 of the metro township's or city's voter participation areas;

3151 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city  
3152 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro  
3153 township, city, or county; or

3154 (j) for a metro township with a population of less than 1,000, a town, or a county of the  
3155 sixth class, 35% of the number of active voters in the metro township, town, or county.

3156 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land

3157 use law or local obligation law passed by the local legislative body submitted to a vote of the  
3158 people shall obtain legal signatures equal to:

3159 (a) for a county of the first, second, third, or fourth class:

3160 (i) 16% of the number of active voters in the county; and

3161 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
3162 of the county's voter participation areas;

3163 (b) for a county of the fifth or sixth class:

3164 (i) 16% of the number of active voters in the county; and

3165 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
3166 of the county's voter participation areas;

3167 (c) for a metro township with a population of 100,000 or more, or a city of the first  
3168 class:

3169 (i) 15% of the number of active voters in the metro township or city; and

3170 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%  
3171 of the metro township's or city's voter participation areas;

3172 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
3173 a city of the second class:

3174 (i) 16% of the number of active voters in the metro township or city; and

3175 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
3176 of the metro township's or city's voter participation areas;

3177 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a  
3178 city of the third class:

3179 (i) 27.5% of the number of active voters in the metro township or city; and

3180 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%  
3181 of the metro township's or city's voter participation areas;

3182 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a  
3183 city of the fourth class:

3184 (i) 29% of the number of active voters in the metro township or city; and

3185 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%  
3186 of the metro township's or city's voter participation areas;

3187 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a

3188 city of the fifth class, 35% of the number of active voters in the metro township or city; or  
3189 (h) for a metro township with a population of less than 1,000 or a town, 40% of the  
3190 number of active voters in the metro township or town.

3191 (4) A person seeking to have a subjurisdictional law passed by the local legislative  
3192 body submitted to a vote of the people shall obtain legal signatures of the residents in the  
3193 subjurisdiction equal to:

3194 (a) 10% of the number of active voters in the subjurisdiction if the number of active  
3195 voters exceeds 25,000;

3196 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of  
3197 active voters does not exceed 25,000 but is more than 10,000;

3198 (c) 15% of the number of active voters in the subjurisdiction if the number of active  
3199 voters does not exceed 10,000 but is more than 2,500;

3200 (d) 20% of the number of active voters in the subjurisdiction if the number of active  
3201 voters does not exceed 2,500 but is more than 500;

3202 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
3203 voters does not exceed 500 but is more than 250; and

3204 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
3205 voters does not exceed 250.

3206 (5) An eligible voter seeking to have a transit area land use law passed by the local  
3207 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

3208 (a) for a county:

3209 (i) 20% of the number of active voters in the county; and

3210 (ii) 21% of the number of active voters in at least 75% of the county's voter  
3211 participation areas;

3212 (b) for a metro township with a population of 100,000 or more, or a city of the first  
3213 class:

3214 (i) 20% of the number of active voters in the metro township or city; and

3215 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's  
3216 voter participation areas;

3217 (c) for a metro township with a population of 65,000 or more but less than 100,000, or  
3218 a city of the second class:



3219 (i) 20% of the number of active voters in the metro township or city; and  
 3220 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's  
 3221 voter participation areas;

3222 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a  
 3223 city of the third class:

3224 (i) 34% of the number of active voters in the metro township or city; and  
 3225 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's  
 3226 voter participation areas;

3227 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a  
 3228 city of the fourth class:

3229 (i) 36% of the number of active voters in the metro township or city; and  
 3230 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's  
 3231 voter participation areas; or

3232 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a  
 3233 town, 40% of the number of active voters in the metro township, city, or town.

3234 ~~[(5)]~~ (6) Sponsors of any referendum petition challenging, under Subsection (2), (3),  
 3235 ~~[or]~~ (4), or (5), any local law passed by a local legislative body shall file the application before  
 3236 5 p.m. within seven days after the day on which the local law was passed.

3237 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or  
 3238 other payment obligation on a subjurisdiction in order to benefit an area outside of the  
 3239 subjurisdiction.

3240 Section 23. Section **20A-7-602.8** is amended to read:

3241 **20A-7-602.8. Referability to voters of local land use law -- Limitations on**  
 3242 **referability to voters of transit area land use law.**

3243 (1) Within 20 days after the day on which an eligible voter files an application to  
 3244 circulate a referendum petition under Section **20A-7-602** for a land use law, counsel for the  
 3245 county, city, town, or metro township to which the referendum pertains shall:

3246 (a) review the application to determine whether the proposed referendum is legally  
 3247 referable to voters; and

3248 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

3249 (i) legally referable to voters; or

3250 (ii) rejected as not legally referable to voters.

3251 (2) ~~(a) [For a land use law, a]~~ Subject to Subsection (2)(b), for a land use law, a  
3252 proposed referendum is legally referable to voters unless:

3253 ~~[(a)]~~ (i) the proposed referendum challenges an action that is administrative, rather than  
3254 legislative, in nature;

3255 ~~[(b)]~~ (ii) the proposed referendum challenges a land use decision, rather than a land use  
3256 regulation, as those terms are defined in Section [10-9a-103](#) or [17-27a-103](#);

3257 ~~[(c)]~~ (iii) the proposed referendum challenges more than one law passed by the local  
3258 legislative body; or

3259 ~~[(d)]~~ (iv) the application for the proposed referendum was not timely filed or does not  
3260 comply with the requirements of this part.

3261 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not  
3262 legally referable to voters for a transit area land use law, as defined in Section [20A-7-601](#), if  
3263 the transit area land use law was passed by a two-thirds vote of the local legislative body.

3264 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,  
3265 or metro township may not, for a land use law:

3266 (a) reject a proposed referendum as not legally referable to voters; or

3267 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a  
3268 proposed referendum on the grounds that the proposed referendum is not legally referable to  
3269 voters.

3270 (4) (a) If a county, city, town, or metro township rejects a proposed referendum  
3271 concerning a land use law, a sponsor of the proposed referendum may, within seven days after  
3272 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision  
3273 to:

3274 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

3275 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ  
3276 under Subsection (4)(a)(i).

3277 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection  
3278 (4)(a) terminates the referendum.

3279 (5) If, on challenge or appeal, the court determines that the proposed referendum is  
3280 legally referable to voters, the local clerk shall comply with Subsection [20A-7-604\(2\)](#) within

3281 five days after the day on which the determination, and any challenge or appeal of the  
3282 determination, is final.

3283 Section 24. Section **35A-8-101** is amended to read:

3284 **35A-8-101. Definitions.**

3285 As used in this chapter:

3286 (1) "Accessible housing" means housing which has been constructed or modified to be  
3287 accessible, as described in the State Construction Code or an approved code under Title 15A,  
3288 State Construction and Fire Codes Act.

3289 (2) "Director" means the director of the division.

3290 (3) "Division" means the Housing and Community Development Division.

3291 (4) "Moderate income housing" means housing occupied or reserved for occupancy by  
3292 households with a gross household income equal to or less than 80% of the median gross  
3293 income for households of the same size in the county in which the housing is located.

3294 (5) "Moderate income housing unit" means a housing unit that qualifies as moderate  
3295 income housing.

3296 Section 25. Section **35A-8-503** is amended to read:

3297 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

3298 (1) There is created the Olene Walker Housing Loan Fund Board.

3299 (2) The board is composed of [++] 13 voting members.

3300 (a) The governor shall appoint the following members to four-year terms:

3301 (i) two members from local governments[;], of which:

3302 (A) one member shall be a locally elected official who resides in a county of the first or  
3303 second class; and

3304 (B) one member shall be a locally elected official who resides in a county of the third,  
3305 fourth, fifth, or sixth class;

3306 (ii) two members from the mortgage lending community[;], of which:

3307 (A) one member shall have expertise in single-family mortgage lending; and

3308 (B) one member shall have expertise in multi-family mortgage lending;

3309 (iii) one member from real estate sales interests;

3310 (iv) [~~one member~~] two members from home builders interests[;], of which:

3311 (A) one member shall have expertise in single-family residential construction; and

3312 (B) one member shall have expertise in multi-family residential construction;  
3313 (v) one member from rental housing interests;  
3314 (vi) [~~one member~~] two members from housing advocacy interests[;], of which:  
3315 (A) one member who resides within any area in a county of the first or second class;  
3316 and  
3317 (B) one member who resides within any area in a county of the third, fourth, fifth, or  
3318 sixth class;  
3319 (vii) one member of the manufactured housing interest;  
3320 (viii) one member with expertise in transit-oriented developments; and  
3321 (ix) one member who represents rural interests.  
3322 (b) The director or the director's designee serves as the secretary of the board.  
3323 (c) The members of the board shall annually elect a chair from among the voting  
3324 membership of the board.  
3325 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the  
3326 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3327 board members are staggered so that approximately half of the board is appointed every two  
3328 years.  
3329 (b) When a vacancy occurs in the membership for any reason, the replacement is  
3330 appointed for the unexpired term.  
3331 (4) (a) The board shall:  
3332 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by  
3333 the board;  
3334 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to  
3335 provide information to and receive input from the public regarding the state's housing policies  
3336 and needs;  
3337 (iii) keep minutes of its meetings; and  
3338 (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open and  
3339 Public Meetings Act.  
3340 (b) [~~Six~~] Seven members of the board constitute a quorum, and the governor, the chair,  
3341 or a majority of the board may call a meeting of the board.  
3342 (5) The board shall:

- 3343 (a) review the housing needs in the state;
- 3344 (b) determine the relevant operational aspects of any grant, loan, or revenue collection  
3345 program established under the authority of this chapter;
- 3346 (c) determine the means to implement the policies and goals of this chapter;
- 3347 (d) select specific projects to receive grant or loan money; and
- 3348 (e) determine how fund money shall be allocated and distributed.
- 3349 (6) A member may not receive compensation or benefits for the member's service, but  
3350 may receive per diem and travel expenses in accordance with:

- 3351 (a) Section [63A-3-106](#);
- 3352 (b) Section [63A-3-107](#); and
- 3353 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
3354 [63A-3-107](#).

3355 Section 26. Section **35A-8-504** is amended to read:

3356 **35A-8-504. Distribution of fund money.**

3357 (1) As used in this section:

3358 (a) "Community" means the same as that term is defined in Section [17C-1-102](#).

3359 (b) "Income targeted housing" means the same as that term is defined in Section  
3360 [17C-1-102](#).

3361 ~~[(+)]~~ (2) The executive director shall:

3362 (a) make grants and loans from the fund for any of the activities authorized by Section  
3363 [35A-8-505](#), as directed by the board;

3364 (b) establish the criteria with the approval of the board by which loans and grants will  
3365 be made; and

3366 (c) determine with the approval of the board the order in which projects will be funded.

3367 ~~[(2)]~~ (3) The executive director shall distribute, as directed by the board, any federal  
3368 money contained in the fund according to the procedures, conditions, and restrictions placed  
3369 upon the use of the money by the federal government.

3370 ~~[(3)-(a)]~~ (4) The executive director shall distribute, as directed by the board, any funds  
3371 received under Section [17C-1-412](#) to pay the costs of providing income targeted housing within  
3372 the community that created the community reinvestment agency under Title 17C, Limited  
3373 Purpose Local Government Entities - Community Reinvestment Agency Act.

3374 ~~[(b) As used in Subsection (3)(a):]~~

3375 ~~[(i) "Community" means the same as that term is defined in Section 17C-1-102.]~~

3376 ~~[(ii) "Income targeted housing" means the same as that term is defined in Section~~  
3377 ~~17C-1-102.]~~

3378 ~~[(4)]~~ (5) Except for federal money, money received under Section 17C-1-412, and  
3379 money appropriated for use in accordance with Section 35A-8-2105, the executive director  
3380 shall distribute, as directed by the board, money in the fund according to the following  
3381 requirements:

3382 ~~[(a) the executive director shall distribute at least 30% of the money in the fund to rural~~  
3383 ~~areas of the state;]~~

3384 ~~[(b)]~~ (a) the executive director shall distribute at least 70% of the money in the fund to  
3385 benefit persons whose annual income is at or below 50% of the median family income for the  
3386 state;

3387 ~~[(c)]~~ (b) the executive director may ~~[not use more than]~~ use up to 3% of the revenues of  
3388 the fund, including any appropriation to the fund to offset department or board administrative  
3389 expenses;

3390 ~~[(d)]~~ (c) the executive director shall distribute any remaining money in the fund to  
3391 benefit persons whose annual income is at or below 80% of the median family income for the  
3392 state; and

3393 ~~[(e)]~~ (d) if the executive director or the executive director's designee makes a loan in  
3394 accordance with this section, the interest rate of the loan shall be based on the borrower's  
3395 ability to pay.

3396 ~~[(5)]~~ (6) The executive director may, with the approval of the board:

3397 (a) enact rules to establish procedures for the grant and loan process by following the  
3398 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
3399 and

3400 (b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the  
3401 servicing of loans made by the fund.

3402 Section 27. Section 35A-8-507.5 is amended to read:

3403 **35A-8-507.5. Predevelopment grants.**

3404 ~~[(1) The executive director under the direction of the board may:]~~

- 3405 ~~[(a) award one or more predevelopment grants to nonprofit or for-profit entities in~~  
 3406 ~~preparation for the construction of low-income housing units;]~~
- 3407 ~~[(b) award a predevelopment grant in an amount of no more than \$50,000 per project;]~~  
 3408 ~~[(c) may only award a predevelopment grant in relation to a project in:]~~
- 3409 ~~[(i) a city of the fifth or sixth class, or a town, in a rural area of the state; or]~~  
 3410 ~~[(ii) any municipality or unincorporated area in a county of the fourth, fifth, or sixth~~  
 3411 ~~class;]~~
- 3412 (1) The executive director may, under the direction of the board, award one or more  
 3413 predevelopment grants to a nonprofit or for-profit entity:
- 3414 (a) in preparation for a project that:
- 3415 (i) involves the construction of moderate income housing units; and  
 3416 (ii) is located within:
- 3417 (A) a city of the fifth or sixth class, or a town, in a rural area of the state; or  
 3418 (B) any municipality or unincorporated area in a county of the fourth, fifth, or sixth  
 3419 class; and
- 3420 (b) in an amount of no more than \$50,000 per project.
- 3421 (2) The executive director shall, under the direction of the board ~~[shall]~~, award each  
 3422 predevelopment grant in accordance with the provisions of this section and the provisions  
 3423 related to grant applications, grant awards, and reporting requirements in this part.
- 3424 (3) ~~[A]~~ The recipient of a predevelopment grant:
- 3425 (a) may ~~[be used by a recipient for offsetting]~~ use grant funds to offset the  
 3426 predevelopment funds needed to prepare for the construction of low-income housing units,  
 3427 including market studies, surveys, environmental and impact studies, technical assistance, and  
 3428 preliminary architecture, engineering, or legal work; and
- 3429 (b) may not ~~[be used by a recipient]~~ use grant funds to pay for staff salaries [of a grant  
 3430 recipient] or construction costs.
- 3431 (4) The executive director shall, under the direction of the board ~~[shall]~~, prioritize the  
 3432 awarding of a predevelopment grant for a project ~~[in]~~ that is located within:
- 3433 (a) a county of the fifth or sixth class [and where the municipality or unincorporated];  
 3434 and
- 3435 (b) an area that has underdeveloped infrastructure, as demonstrated by at least two of

3436 the following:

3437 ~~[(a)]~~ (i) limited or no availability of natural gas;

3438 ~~[(b)]~~ (ii) limited or no availability of a sewer system;

3439 ~~[(c)]~~ (iii) limited or no availability of broadband Internet;

3440 ~~[(d)]~~ (iv) unpaved residential streets; or

3441 ~~[(e)]~~ (v) limited local construction professionals, vendors, or services.

3442 Section 28. Section **35A-8-508** is amended to read:

3443 **35A-8-508. Annual accounting.**

3444 (1) The executive director shall monitor the activities of recipients of grants and loans  
3445 issued under this part on a yearly basis to ensure compliance with the terms and conditions  
3446 imposed on the recipient by the executive director with the approval of the board or by this  
3447 part.

3448 (2) ~~[(An)]~~ Beginning July 1, 2021, an entity that receives ~~[a grant or loan]~~ any money  
3449 from the fund under this part shall provide the executive director with an annual accounting of  
3450 how the money the entity received from the fund has been spent.

3451 (3) The executive director shall make an annual report to the board accounting for the  
3452 expenditures authorized by the board.

3453 (4) The board shall submit a report to the department for inclusion in the annual  
3454 written report described in Section **35A-1-109**:

3455 (a) accounting for expenditures authorized by the board; and

3456 (b) evaluating the effectiveness of the program.

3457 Section 29. Section **35A-8-509** is amended to read:

3458 **35A-8-509. Economic Revitalization and Investment Fund.**

3459 (1) There is created an enterprise fund known as the "Economic Revitalization and  
3460 Investment Fund."

3461 (2) The Economic Revitalization and Investment Fund consists of money from the  
3462 following:

3463 (a) money appropriated to the account by the Legislature;

3464 (b) private contributions;

3465 (c) donations or grants from public or private entities; and

3466 (d) money returned to the department under ~~[Section 35A-8-512]~~ Subsection



3467 [35A-8-512\(3\)\(a\)](#).

3468 (3) The Economic Revitalization and Investment Fund shall earn interest, which shall  
3469 be deposited into the Economic Revitalization and Investment Fund.

3470 (4) The executive director may distribute money from the Economic Revitalization and  
3471 Investment Fund to one or more projects that:

3472 (a) include affordable housing units for households~~[-(i)]~~ whose income is no more  
3473 than 30% of the area median income for households of the same size in the county or  
3474 municipality where the project is located; and

3475 ~~[(ii) at rental rates no greater than the rates described in Subsection [35A-8-511\(2\)\(b\)](#);~~  
3476 ~~and]~~

3477 (b) have been approved by the board in accordance with Section [35A-8-510](#).

3478 (5) (a) A housing sponsor may apply to the department to receive a distribution in  
3479 accordance with Subsection (4).

3480 (b) The application shall include:

3481 (i) the location of the project;

3482 (ii) the number, size, and tenant income requirements of affordable housing units  
3483 described in Subsection (4)(a) that will be included in the project; and

3484 (iii) a written commitment to enter into a deed restriction that reserves for a period of  
3485 30 years the affordable housing units described in Subsection (5)(b)(ii) or their equivalent for  
3486 occupancy by households that meet the income requirements described in Subsection (5)(b)(ii).

3487 (c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit  
3488 is:

3489 (i) (A) occupied or reserved for occupancy by a household whose income is no more  
3490 than 30% of the area median income for households of the same size in the county or  
3491 municipality where the project is located; or

3492 (B) occupied by a household whose income is no more than 60% of the area median  
3493 income for households of the same size in the county or municipality where the project is  
3494 located if that household met the income requirement described in Subsection (4)(a) when the  
3495 household originally entered into the lease agreement for the housing unit; and

3496 (ii) rented at a rate no greater than the rate described in Subsection [35A-8-511\(2\)\(b\)](#).

3497 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

3498 department may make additional rules providing procedures for a person to apply to the  
3499 department to receive a distribution described in Subsection (4).

3500 (6) The executive director may expend up to 3% of the revenues of the Economic  
3501 Revitalization and Investment Fund, including any appropriation to the Economic  
3502 Revitalization and Investment Fund, to offset department or board administrative expenses.

3503 Section 30. Section **35A-8-509.5** is enacted to read:

3504 **35A-8-509.5. Rural Housing Fund.**

3505 (1) There is created an enterprise fund known as the "Rural Housing Fund."

3506 (2) The Rural Housing Fund consists of money from the following:

3507 (a) money appropriated to the account by the Legislature;

3508 (b) private contributions;

3509 (c) donations or grants from public or private entities; and

3510 (d) money returned to the department under Subsection [35A-8-512\(3\)\(b\)](#).

3511 (3) The Rural Housing Fund shall earn interest, which shall be deposited into the Rural  
3512 Housing Fund.

3513 (4) Subject to appropriation, the executive director may expend funds in the Rural  
3514 Housing Fund to provide loans for projects that:

3515 (a) are located within:

3516 (i) a county of the third, fourth, fifth, or sixth class; or

3517 (ii) a municipality in a county of the second class with a population of 10,000 or less;

3518 (b) include moderate income housing units; and

3519 (c) have been approved by the board in accordance with Section [35A-8-510](#).

3520 (5) (a) A housing sponsor may apply to the department to receive a loan under this  
3521 section.

3522 (b) An application under Subsection (5)(a) shall specify:

3523 (i) the location of the project;

3524 (ii) the number, size, and income requirements of moderate income housing units that  
3525 will be included in the project; and

3526 (iii) a written commitment to enter into a deed restriction that reserves for a period of  
3527 50 years the moderate income housing units described in Subsection (5)(b)(ii).

3528 (c) A commitment under Subsection (5)(b)(iii) shall be considered satisfied if a

3529 housing unit is occupied by a household that met the income requirement for moderate income  
3530 housing when the household originally entered into the lease agreement for the housing unit.

3531 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3532 department may make rules establishing procedures and requirements for housing sponsors to  
3533 apply for and receive loans under this section.

3534 (6) The executive director may expend up to 3% of the revenues of the Rural Housing  
3535 Fund, including any appropriation to the Rural Housing Fund, to offset department or board  
3536 administrative expenses.

3537 Section 31. Section **35A-8-510** is amended to read:

3538 **35A-8-510. Housing loan fund board approval.**

3539 (1) The board shall review the project applications described in [~~Subsection~~]  
3540 Subsections 35A-8-509(5) and 35A-8-509.5(5).

3541 (2) (a) The board may approve a project that meets the requirements of Subsections  
3542 35A-8-509(4) and (5) to receive funds from the Economic Revitalization and Investment Fund.

3543 (b) The board may approve a project that meets the requirements of Subsections  
3544 35A-8-509.5(4) and (5) to receive funds from the Rural Housing Fund.

3545 (3) The board shall give preference to projects:

3546 (a) that include significant additional or matching funds from an individual, private  
3547 organization, or local government entity;

3548 (b) that include significant contributions by the applicant to total project costs,  
3549 including contributions secured by the applicant from other sources such as professional, craft,  
3550 and trade services and lender interest rate subsidies;

3551 (c) with significant local government contributions in the form of infrastructure,  
3552 improvements, or other assistance;

3553 (d) where the applicant has demonstrated the ability, stability, and resources to  
3554 complete the project;

3555 (e) that will serve the greatest need;

3556 (f) that promote economic development benefits;

3557 (g) that allow integration into a local government housing plan;

3558 (h) that would mitigate or correct existing health, safety, or welfare concerns; or

3559 (i) that remedy a gap in the supply of and demand for affordable housing.

3560 Section 32. Section **35A-8-511** is amended to read:

3561 **35A-8-511. Activities authorized to receive account money.**

3562 ~~[(+)]~~ The executive director may distribute funds from the Economic Revitalization  
3563 and Investment Fund and the Rural Housing Fund for any of the following activities  
3564 undertaken as part of an approved project:

3565 ~~[(a)]~~ (1) the acquisition, rehabilitation, or new construction of a building that includes  
3566 ~~[affordable]~~ moderate income housing units;

3567 ~~[(b)]~~ (2) the purchase of land for the construction of a building that will include  
3568 ~~[affordable]~~ moderate income housing units; or

3569 ~~[(c)]~~ (3) pre-development work, including planning, studies, design, and site work for a  
3570 building that will include ~~[affordable]~~ moderate income housing units.

3571 ~~[(2) The maximum amount of money that may be distributed from the Economic  
3572 Revitalization and Investment Fund for each affordable housing unit that has been committed  
3573 in accordance with Subsection 35A-8-509(5)(b)(iii) is the present value, based on the current  
3574 market interest rate as determined by the board for a multi-family mortgage loan in the county  
3575 or metropolitan area where the project is located, of 360 monthly payments equal to the  
3576 difference between:]~~

3577 ~~[(a) the most recent United States Department of Housing and Urban Development fair  
3578 market rent for a unit of the same size in the county or metropolitan area where the project is  
3579 located; and]~~

3580 ~~[(b) an affordable rent equal to 30% of the income requirement described in Subsection  
3581 35A-8-509(5)(b)(ii) for a household of:]~~

3582 ~~[(i) one person if the unit is an efficiency unit;]~~

3583 ~~[(ii) two people if the unit is a one-bedroom unit;]~~

3584 ~~[(iii) four people if the unit is a two-bedroom unit;]~~

3585 ~~[(iv) five people if the unit is a three-bedroom unit;]~~

3586 ~~[(v) six people if the unit is a four-bedroom unit; or]~~

3587 ~~[(vi) eight people if the unit is a five-bedroom or larger unit.]~~

3588 Section 33. Section **35A-8-512** is amended to read:

3589 **35A-8-512. Repayment of funds.**

3590 (1) Upon the earlier of 30 years from the date an approved project is placed in service

3591 or the sale or transfer of the affordable housing units acquired, constructed, or rehabilitated as  
3592 part of an approved project funded under [~~Section 35A-8-511~~] Subsection 35A-8-511(1), the  
3593 housing sponsor shall remit to the department:

3594 (a) the total amount of money distributed by the department to the housing sponsor for  
3595 the project; and

3596 (b) an additional amount of money determined by contract with the department prior to  
3597 the initial disbursement of money [~~from the Economic Revitalization and Investment Fund~~].

3598 (2) Any claim arising under Subsection (1) is a lien against the real property funded  
3599 under this chapter.

3600 (3) (a) Any money returned to the department under Subsection (1) from a housing  
3601 sponsor that received funds from the Economic Revitalization and Investment Fund shall be  
3602 deposited in the Economic Revitalization and Investment Fund.

3603 (b) Any money returned to the department under Subsection (1) from a housing  
3604 sponsor that received funds from the Rural Housing Fund shall be deposited in the Rural  
3605 Housing Fund.

3606 Section 34. Section **35A-8-513** is amended to read:

3607 **35A-8-513. Annual accounting.**

3608 (1) The executive director shall monitor the activities of recipients of funds from the  
3609 Economic Revitalization and Investment Fund and the Rural Housing Fund on a yearly basis to  
3610 ensure compliance with the terms and conditions imposed on the recipient by the executive  
3611 director with the approval of the board.

3612 (2) (a) A housing sponsor that receives funds from the Economic Revitalization and  
3613 Investment Fund shall provide the executive director with an annual accounting of how the  
3614 money the entity received from the Economic Revitalization and Investment Fund has been  
3615 spent and evidence that the commitment described in Subsection 35A-8-509(5) has been met.

3616 (b) A housing sponsor that receives funds from the Rural Housing Fund shall provide  
3617 the executive director with an annual accounting of how the money the entity received from the  
3618 Rural Housing Fund has been spent and evidence that the commitment described in Subsection  
3619 35A-8-509.5(5) has been met.

3620 (3) The executive director shall make an annual report to the board accounting for the  
3621 expenditures authorized by the board under the Economic Revitalization and Investment Fund

3622 and the Rural Housing Fund.

3623 (4) The board shall submit a report to the department for inclusion in the annual  
3624 written report described in Section 35A-1-109 that includes:

3625 (a) an accounting for expenditures authorized by the board; and

3626 (b) an evaluation of the effectiveness of [~~the~~] each program.

3627 Section 35. Section 35A-8-803 is amended to read:

3628 **35A-8-803. Division -- Functions.**

3629 (1) In addition to any other functions the governor or Legislature may assign:

3630 (a) the division shall:

3631 (i) provide a clearinghouse of information for federal, state, and local housing  
3632 assistance programs;

3633 (ii) establish, in cooperation with political subdivisions, model plans and management  
3634 methods to encourage or provide for the development of affordable housing that may be  
3635 adopted by political subdivisions by reference;

3636 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of  
3637 problems relating to housing needs, such as:

3638 (A) inadequate supply of dwellings;

3639 (B) substandard dwellings; and

3640 (C) inability of medium and low income families to obtain adequate housing;

3641 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

3642 (A) political subdivisions;

3643 (B) real estate developers;

3644 (C) builders;

3645 (D) lending institutions;

3646 (E) affordable housing advocates; and

3647 (F) others having use for the information;

3648 (v) advise political subdivisions of serious housing problems existing within their  
3649 jurisdiction that require concerted public action for solution;

3650 (vi) assist political subdivisions in defining housing objectives and in preparing for  
3651 adoption a plan of action covering a five-year period designed to accomplish housing  
3652 objectives within their jurisdiction; [~~and~~]

3653 (vii) for municipalities or counties required to submit an annual moderate income  
3654 housing report to the department as described in Section 10-9a-408 or 17-27a-408:  
3655 (A) assist in the creation of the reports; and  
3656 ~~[(B) evaluate the reports for the purposes of Subsections 72-2-124(5) and (6); and]~~  
3657 (B) review the reports to meet the requirements of Sections 10-9a-408 and 17-27a-408;  
3658 (viii) establish and maintain a database of moderate income housing units located  
3659 within the state; and  
3660 (ix) on or before December 1, 2022, develop and submit to the Commission on  
3661 Housing Affordability a methodology for determining whether a municipality or county is  
3662 taking sufficient measures to protect and promote moderate income housing in accordance with  
3663 the provisions of Sections 10-9a-403 and 17-27a-403; and  
3664 (b) within legislative appropriations, the division may accept for and on behalf of, and  
3665 bind the state to, any federal housing or homeless program in which the state is invited,  
3666 permitted, or authorized to participate in the distribution, disbursement, or administration of  
3667 any funds or service advanced, offered, or contributed in whole or in part by the federal  
3668 government.

3669 (2) The administration of any federal housing program in which the state is invited,  
3670 permitted, or authorized to participate in distribution, disbursement, or administration of funds  
3671 or services, except those administered by the Utah Housing Corporation, is governed by  
3672 Sections 35A-8-501 through 35A-8-508.

3673 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3674 department shall make rules describing the ~~[evaluation]~~ review process for moderate income  
3675 housing reports described in Subsection (1)(a)(vii).

3676 Section 36. Section 35A-8-2105 is amended to read:  
3677 **35A-8-2105. Allocation of volume cap.**  
3678 (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed  
3679 by the board of review to the allotment accounts as described in Section 35A-8-2106.  
3680 (b) The board of review may distribute up to 50% of each increase in the volume cap  
3681 for use in development that occurs in quality growth areas, depending upon the board's analysis  
3682 of the relative need for additional volume cap between development in quality growth areas  
3683 and the allotment accounts under Section 35A-8-2106.

3684 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the  
3685 board of review an application containing information required by the procedures and  
3686 processes of the board of review.

3687 (3) (a) The board of review shall establish criteria for making allocations of volume  
3688 cap that are consistent with the purposes of the code and this part.

3689 (b) In making an allocation of volume cap the board of review shall consider the  
3690 following:

3691 (i) the principal amount of the bonds proposed to be issued;

3692 (ii) the nature and the location of the project or the type of program;

3693 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

3694 (iv) whether the project or program could obtain adequate financing without an  
3695 allocation of volume cap;

3696 (v) the degree to which an allocation of volume cap is required for the project or  
3697 program to proceed or continue;

3698 (vi) the social, health, economic, and educational effects of the project or program on  
3699 the local community and state as a whole;

3700 (vii) the anticipated economic development created or retained within the local  
3701 community and the state as a whole;

3702 (viii) the anticipated number of jobs, both temporary and permanent, created or  
3703 retained within the local community and the state as a whole;

3704 (ix) if the project is a residential rental project, the degree to which the residential  
3705 rental project:

3706 (A) targets lower income populations; and

3707 (B) is accessible housing; and

3708 (x) whether the project meets the principles of quality growth recommended by the  
3709 Quality Growth Commission created in Section [11-38-201](#).

3710 (4) The board of review shall provide evidence of an allocation of volume cap by  
3711 issuing a certificate in accordance with Section [35A-8-2107](#).

3712 (5) (a) ~~[From]~~ Subject to Subsection (5)(c), from January 1 to June 30 of each year, the  
3713 board of review shall set aside at least 50% of the Small Issue Bond Account that may only be  
3714 allocated to manufacturing projects.



3715 (b) ~~[From]~~ Subject to Subsection (5)(c), from July 1 to August 15 of each year, the  
3716 board of review shall set aside at least 50% of the Pool Account that may only be allocated to  
3717 manufacturing projects.

3718 (c) The board of review is not required to set aside any unused volume cap under  
3719 Subsection 35A-8-2106(2)(c) to satisfy the requirements of Subsection (5)(a) or (b).

3720 Section 37. Section **35A-8-2106** is amended to read:

3721 **35A-8-2106. Allotment accounts.**

3722 (1) There are created the following allotment accounts:

3723 (a) the Single Family Housing Account, for which eligible issuing authorities are those  
3724 authorized under the code and state statute to issue qualified mortgage bonds under Section 143  
3725 of the code;

3726 (b) the Student Loan Account, for which eligible issuing authorities are those  
3727 authorized under the code and state statute to issue qualified student loan bonds under Section  
3728 144(b) of the code;

3729 (c) the Small Issue Bond Account, for which eligible issuing authorities are those  
3730 authorized under the code and state statute to issue:

3731 (i) qualified small issue bonds under Section 144(a) of the code;

3732 (ii) qualified exempt facility bonds for qualified residential rental projects under  
3733 Section 142(d) of the code; or

3734 (iii) qualified redevelopment bonds under Section 144(c) of the code;

3735 (d) the Exempt Facilities Account, for which eligible issuing authorities are those  
3736 authorized under the code and state statute to issue any bonds requiring an allocation of volume  
3737 cap other than for purposes described in ~~[Subsections]~~ Subsection (1)(a), (b), or (c);

3738 (e) the Pool Account, for which eligible issuing authorities are those authorized under  
3739 the code and state statute to issue any bonds requiring an allocation of volume cap; and

3740 (f) the Carryforward Account, for which eligible issuing authorities are those with  
3741 projects or programs qualifying under Section 146(f) of the code.

3742 (2) (a) The volume cap shall be distributed to the allotment accounts on January 1 of  
3743 each year on the following basis:

3744 (i) 42% to the Single Family Housing Account;

3745 (ii) 33% to the Student Loan Account;

3746 (iii) 1% to the Exempt Facilities Account; and

3747 (iv) 24% to the Small Issue Bond Account.

3748 (b) From July 1 to September 30 of each year, the board of review may transfer any  
3749 unallocated volume cap from the Exempt Facilities Account or the Small Issue Bond Account  
3750 to the Pool Account.

3751 (c) Upon written notification by the issuing authorities eligible for volume cap  
3752 allocation from the Single Family Housing Account or the Student Loan Account that all or a  
3753 portion of volume cap distributed into that allotment account will not be used, the board of  
3754 review may transfer the unused volume cap [~~between the Single Family Housing Account and~~  
3755 ~~the Student Loan Account~~] to any other allotment account.

3756 (d) From October 1 to the third Friday of December of each year, the board of review  
3757 shall transfer all unallocated volume cap into the Pool Account.

3758 (e) On the third Saturday of December of each year, the board of review shall transfer  
3759 uncollected volume cap, or allocated volume cap for which bonds have not been issued prior to  
3760 the third Saturday of December, into the Carryforward Account.

3761 (f) If the authority to issue bonds designated in any allotment account is rescinded by  
3762 amendment to the code, the board of review may transfer any unallocated volume cap from that  
3763 allotment account to any other allotment account.

3764 Section 38. Section **35A-8-2203** is amended to read:

3765 **35A-8-2203. Duties of the commission.**

3766 (1) The commission's duties include:

3767 (a) increasing public and government awareness and understanding of the housing  
3768 affordability needs of the state and how those needs may be most effectively and efficiently  
3769 met, through empirical study and investigation;

3770 (b) identifying and recommending implementation of specific strategies, policies,  
3771 procedures, and programs to address the housing affordability needs of the state;

3772 (c) facilitating the communication and coordination of public and private entities that  
3773 are involved in developing, financing, providing, advocating for, and administering affordable  
3774 housing in the state;

3775 (d) studying, evaluating, and reporting on the status and effectiveness of policies,  
3776 procedures, and programs that address housing affordability in the state;

3777 (e) studying and evaluating the policies, procedures, and programs implemented by  
3778 other states that address housing affordability;

3779 (f) providing a forum for public comment on issues related to housing affordability;  
3780 [and]

3781 (g) providing recommendations to the governor and Legislature on strategies, policies,  
3782 procedures, and programs to address the housing affordability needs of the state[-]; and

3783 (h) on or before December 31, 2022, approving the methodology developed by the  
3784 division under Subsection 35A-8-803(1)(a)(ix).

3785 (2) To accomplish its duties, the commission may:

3786 (a) request and receive from a state or local government agency or institution summary  
3787 information relating to housing affordability, including:

3788 (i) reports;

3789 (ii) audits;

3790 (iii) projections; and

3791 (iv) statistics; and

3792 (b) appoint one or more advisory groups to advise and assist the commission.

3793 (3) (a) A member of an advisory group described in Subsection (2)(b):

3794 (i) shall be appointed by the commission;

3795 (ii) may be:

3796 (A) a member of the commission; or

3797 (B) an individual from the private or public sector; and

3798 (iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for  
3799 any work done in relation to the advisory group.

3800 (b) An advisory group described in Subsection (2)(b) shall report to the commission on  
3801 the progress of the advisory group.

3802 Section 39. Section 63J-4-802 is amended to read:

3803 **63J-4-802. Creation of COVID-19 Local Assistance Matching Grant Program --**  
3804 **Eligibility -- Duties of the office.**

3805 (1) There is established a grant program known as COVID-19 Local Assistance  
3806 Matching Grant Program that is administered by the office.

3807 (2) The office shall award financial grants to local governments that meet the

3808 qualifications described in Subsection (3) to provide support for:

3809 (a) projects or services that address the economic impacts of the COVID-19 emergency  
3810 on housing insecurity, lack of affordable housing, or homelessness;

3811 (b) costs incurred in addressing public health challenges resulting from the COVID-19  
3812 emergency;

3813 (c) necessary investments in water and sewer infrastructure; or

3814 (d) any other purpose authorized under the American Rescue Plan Act.

3815 (3) To be eligible for a grant under this part, a local government shall:

3816 (a) provide matching funds in an amount determined by the office; and

3817 (b) certify that the local government will spend grant funds:

3818 (i) on a purpose described in Subsection (2);

3819 (ii) within the time period determined by the office; and

3820 (iii) in accordance with the American Rescue Plan Act.

3821 (4) As soon as is practicable, but on or before September 15, 2021, the office shall,  
3822 with recommendations from the review committee, establish:

3823 (a) procedures for applying for and awarding grants under this part, using an online  
3824 grants management system that:

3825 (i) manages each grant throughout the duration of the grant;

3826 (ii) allows for:

3827 (A) online submission of grant applications; and

3828 (B) auditing and reporting for a local government that receives grant funds; and

3829 (iii) generates reports containing information about each grant;

3830 (b) criteria for awarding grants; and

3831 (c) reporting requirements for grant recipients.

3832 (5) Subject to appropriation, the office shall award grant funds on a competitive basis  
3833 until December 31, 2024.

3834 (6) If the office receives a notice of prioritization for a municipality as described in  
3835 Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
3836 17-27a-408(5), the office may prioritize the awarding of a financial grant under this section to  
3837 the municipality or county during the fiscal year specified in the notice.

3838 (7) If the office receives a notice of ineligibility for a municipality as described in

3839 Subsection 10-9a-408(7), or a notice of ineligibility for a county as described in Subsection  
 3840 17-27a-408(7), the office may not award a financial grant under this section to the municipality  
 3841 or county during the fiscal year specified in the notice.

3842 ~~[(6)]~~ (8) Before November 30 of each year, ending November 30, 2025, the office shall  
 3843 submit a report to the Executive Appropriations Committee that includes:

3844 (a) a summary of the procedures, criteria, and requirements established under  
 3845 Subsection (4);

3846 (b) a summary of the recommendations of the review committee under Section  
 3847 63J-4-803;

3848 (c) the number of applications submitted under the grant program during the previous  
 3849 year;

3850 (d) the number of grants awarded under the grant program during the previous year;

3851 (e) the aggregate amount of grant funds awarded under the grant program during the  
 3852 previous year; and

3853 (f) any other information the office considers relevant to evaluating the success of the  
 3854 grant program.

3855 ~~[(7)]~~ (9) The office may use funds appropriated by the Legislature for the grant  
 3856 program to pay for administrative costs.

3857 Section 40. Section 63L-12-101 is enacted to read:

3858 **CHAPTER 12. GRANTING OF REAL PROPERTY FOR MODERATE INCOME**  
 3859 **HOUSING**

3860 **63L-12-101. Definitions.**

3861 As used in this chapter:

3862 (1) "Governmental entity" means:

3863 (a) an agency, as that term is defined in Section 63G-10-102;

3864 (b) the School and Institutional Trust Lands Administration created in Section  
 3865 53C-1-201;

3866 (c) the School and Institutional Trust Lands Board of Trustees created in Section  
 3867 53C-1-202; or

3868 (d) a political subdivision, as that term is defined in Section 63L-11-102.

3869 (2) "Moderate income housing" means housing occupied or reserved for occupancy by

3870 households with a gross household income equal to or less than 80% of the median gross  
3871 income for households of the same size in the county in which the housing is located.

3872 (3) "Municipality" means the same as that term is defined in Section 10-1-104.

3873 Section 41. Section **63L-12-102**, which is renumbered from Section 10-8-501 is  
3874 renumbered and amended to read:

3875 ~~[10-8-501].~~ **63L-12-102. Grant of real property for moderate income housing.**

3876 ~~[(1) As used in this part, "affordable housing unit" means a rental housing unit where a~~  
3877 ~~household whose income is no more than 50% of the area median income for households~~  
3878 ~~where the housing unit is located is able to occupy the housing unit paying no more than 31%~~  
3879 ~~of the household's income for gross housing costs including utilities.]~~

3880 ~~[(2)]~~ (1) Subject to the requirements of this section, ~~[and for a municipality, Subsection~~  
3881 ~~10-8-2(4), a political subdivision]~~ a governmental entity may grant real property owned by the  
3882 ~~[political subdivision]~~ governmental entity to an entity for the development of ~~[one or more~~  
3883 ~~affordable housing units on the real property that will serve households at various income~~  
3884 ~~levels whereby at least 20% of the housing units are affordable housing units]~~ moderate income  
3885 housing on the real property.

3886 ~~[(3) A political subdivision]~~

3887 (2) A governmental entity shall ensure that real property granted ~~[as described in]~~  
3888 under Subsection [(2)] (1) is deed restricted for ~~[affordable]~~ moderate income housing for at  
3889 least 30 years after the day on which each ~~[affordable]~~ moderate income housing unit is  
3890 completed and occupied.

3891 ~~[(4)]~~ (3) If applicable, a ~~[political subdivision]~~ governmental entity granting real  
3892 property under this section shall comply with:

3893 (a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain[-];

3894 (b) Subsection 10-8-2(4), if a municipality is granting real property under this section;

3895 (c) Subsection 17-50-312(5), if a county is granting real property under this section;

3896 and

3897 (d) except as provided in Subsection (4), any other applicable provisions of law that  
3898 govern the granting of real property by the governmental entity.

3899 ~~[(5)]~~ (4) A municipality granting real property under this section is not subject to the  
3900 provisions of Subsection 10-8-2(3).

3901 Section 42. Section **63N-3-113** is enacted to read:

3902 **63N-3-113. Financial assistance to entities offering technical assistance to**  
3903 **municipalities in connection with planning.**

3904 (1) The administrator may provide money from the Industrial Assistance Account to an  
3905 entity offering technical assistance to a municipality in connection with planning for housing,  
3906 transportation, and growth.

3907 (2) As part of an application for receiving money under this section, an applicant shall:

3908 (a) describe the activities the entity will undertake to provide technical assistance to a  
3909 municipality in connection with planning for housing, transportation, and growth; and

3910 (b) satisfy other criteria the administrator considers appropriate.

3911 (3) Before awarding any money under this section, the administrator shall:

3912 (a) make findings as to whether an applicant has satisfied the requirements of

3913 Subsection (2);

3914 (b) establish benchmarks and timeframes in which progress toward the completion of  
3915 the agreed upon activities are to occur;

3916 (c) monitor compliance by an applicant with any contract or agreement entered into by  
3917 the applicant and the state as provided by Section [63N-3-107](#); and

3918 (d) make funding decisions based upon appropriate findings and compliance.

3919 Section 43. Section **72-1-304** is amended to read:

3920 **72-1-304. Written project prioritization process for new transportation capacity**  
3921 **projects -- Rulemaking.**

3922 (1) (a) The Transportation Commission, in consultation with the department and the  
3923 metropolitan planning organizations as defined in Section [72-1-208.5](#), shall develop a written  
3924 prioritization process for the prioritization of:

3925 (i) new transportation capacity projects that are or will be part of the state highway  
3926 system under Chapter 4, Part 1, State Highways;

3927 (ii) paved pedestrian or paved nonmotorized transportation projects that:

3928 (A) mitigate traffic congestion on the state highway system; and

3929 (B) are part of an active transportation plan approved by the department;

3930 (iii) public transit projects that directly add capacity to the public transit systems within  
3931 the state, not including facilities ancillary to the public transit system; and

3932 (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
3933 public transit system.

3934 (b) (i) A local government or district may nominate a project for prioritization in  
3935 accordance with the process established by the commission in rule.

3936 (ii) If a local government or district nominates a project for prioritization by the  
3937 commission, the local government or district shall provide data and evidence to show that:

3938 (A) the project will advance the purposes and goals described in Section 72-1-211;

3939 (B) for a public transit project, the local government or district has an ongoing funding  
3940 source for operations and maintenance of the proposed development; and

3941 (C) the local government or district will provide 40% of the costs for the project as  
3942 required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

3943 (2) The following shall be included in the written prioritization process under  
3944 Subsection (1):

3945 (a) a description of how the strategic initiatives of the department adopted under  
3946 Section 72-1-211 are advanced by the written prioritization process;

3947 (b) a definition of the type of projects to which the written prioritization process  
3948 applies;

3949 (c) specification of a weighted criteria system that is used to rank proposed projects  
3950 and how it will be used to determine which projects will be prioritized;

3951 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

3952 (e) any other provisions the commission considers appropriate, which may include  
3953 consideration of:

3954 (i) regional and statewide economic development impacts, including improved local  
3955 access to:

3956 (A) employment;

3957 (B) educational facilities;

3958 (C) recreation;

3959 (D) commerce; and

3960 (E) residential areas, including moderate income housing as demonstrated in the local  
3961 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

3962 (ii) the extent to which local land use plans relevant to a project support and



3963 accomplish the strategic initiatives adopted under Section 72-1-211; and

3964 (iii) any matching funds provided by a political subdivision or public transit district in  
3965 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

3966 (3) (a) When prioritizing a public transit project that increases capacity, the  
3967 commission:

3968 (i) may give priority consideration to projects that are part of a transit-oriented  
3969 development or transit-supportive development as defined in Section 17B-2a-802; and

3970 (ii) shall give priority consideration to projects that are within the boundaries of a  
3971 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,  
3972 Housing and Transit Reinvestment Zone Act.

3973 (b) When prioritizing a transportation project that increases capacity, the commission  
3974 may give priority consideration to projects that are:

3975 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

3976 (A) the state is a participant in the transportation reinvestment zone; or

3977 (B) the commission finds that the transportation reinvestment zone provides a benefit  
3978 to the state transportation system; or

3979 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant  
3980 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

3981 (c) If the department receives a notice of prioritization for a municipality as described  
3982 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
3983 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority  
3984 consideration to transportation projects that are within the boundaries of the municipality or the  
3985 unincorporated areas of the county.

3986 (4) In developing the written prioritization process, the commission:

3987 (a) shall seek and consider public comment by holding public meetings at locations  
3988 throughout the state; and

3989 (b) may not consider local matching dollars as provided under Section 72-2-123 unless  
3990 the state provides an equal opportunity to raise local matching dollars for state highway  
3991 improvements within each county.

3992 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3993 Transportation Commission, in consultation with the department, shall make rules establishing

3994 the written prioritization process under Subsection (1).

3995 (6) The commission shall submit the proposed rules under this section to a committee  
3996 or task force designated by the Legislative Management Committee for review prior to taking  
3997 final action on the proposed rules or any proposed amendment to the rules described in  
3998 Subsection (5).

3999 Section 44. Section **72-2-124** is amended to read:

4000 **72-2-124. Transportation Investment Fund of 2005.**

4001 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
4002 of 2005.

4003 (2) The fund consists of money generated from the following sources:

4004 (a) any voluntary contributions received for the maintenance, construction,  
4005 reconstruction, or renovation of state and federal highways;

4006 (b) appropriations made to the fund by the Legislature;

4007 (c) registration fees designated under Section [41-1a-1201](#);

4008 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
4009 [59-12-103](#); and

4010 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

4011 (3) (a) The fund shall earn interest.

4012 (b) All interest earned on fund money shall be deposited into the fund.

4013 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
4014 fund money to pay:

4015 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
4016 federal highways prioritized by the Transportation Commission through the prioritization  
4017 process for new transportation capacity projects adopted under Section [72-1-304](#);

4018 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
4019 projects described in Subsections [63B-18-401](#)(2), (3), and (4);

4020 (iii) principal, interest, and issuance costs of bonds authorized by Section [63B-18-401](#)  
4021 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
4022 with Subsection [72-2-121](#)(4)(e);

4023 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
4024 Lake County Revenue Bond Sinking Fund created by Section [72-2-121.3](#) the amount certified

4025 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
4026 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

4027 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
4028 for projects prioritized in accordance with Section 72-2-125;

4029 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
4030 the Centennial Highway Fund created by Section 72-2-118;

4031 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
4032 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described  
4033 in Section 72-2-121;

4034 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
4035 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved  
4036 nonmotorized transportation for projects that:

4037 (A) mitigate traffic congestion on the state highway system;

4038 (B) are part of an active transportation plan approved by the department; and

4039 (C) are prioritized by the commission through the prioritization process for new  
4040 transportation capacity projects adopted under Section 72-1-304;

4041 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
4042 reconstruction, or renovation of or improvement to the following projects:

4043 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

4044 (B) Geneva Road from University Parkway to 1800 South;

4045 (C) the SR-97 interchange at 5600 South on I-15;

4046 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

4047 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

4048 (F) improvements to 1600 North in Orem from 1200 West to State Street;

4049 (G) widening I-15 between mileposts 6 and 8;

4050 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

4051 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in  
4052 Spanish Fork Canyon;

4053 (J) I-15 northbound between mileposts 43 and 56;

4054 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43  
4055 and 45.1;

4056 (L) east Zion SR-9 improvements;  
4057 (M) Toquerville Parkway;  
4058 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;  
4059 (O) for construction of an interchange on Bangerter Highway at 13400 South; and  
4060 (P) an environmental impact study for Kimball Junction in Summit County; and  
4061 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project  
4062 costs based upon a statement of cash flow that the local jurisdiction where the project is located  
4063 provides to the department demonstrating the need for money for the project, for the following  
4064 projects in the following amounts:

- 4065 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 4066 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 4067 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 4068 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40  
4069 between mile markers 7 and 10.

4070 (b) The executive director may use fund money to exchange for an equal or greater  
4071 amount of federal transportation funds to be used as provided in Subsection (4)(a).

4072 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of  
4073 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director  
4074 may not program fund money to a project prioritized by the commission under Section  
4075 72-1-304, including fund money from the Transit Transportation Investment Fund, within the  
4076 boundaries of [~~a municipality that is required to adopt a moderate income housing plan element~~  
4077 ~~as part of the municipality's general plan as described in Subsection 10-9a-401(3)~~, if the  
4078 ~~municipality has failed to adopt a moderate income housing plan element as part of the~~  
4079 ~~municipality's general plan or has failed to implement the requirements of the moderate income~~  
4080 ~~housing plan as determined by the results of the Department of Workforce Service's review of~~  
4081 ~~the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii)] the  
4082 municipality during the fiscal year specified in the notice.~~

4083 [~~(b) Within the boundaries of a municipality that is required under Subsection~~  
4084 ~~10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate~~  
4085 ~~income housing plan element as part of the municipality's general plan or has failed to~~  
4086 ~~implement the requirements of the moderate income housing plan as determined by the results~~

4087 of the Department of Workforce Service's review of the annual moderate income housing  
4088 report described in Subsection ~~35A-8-803~~(1)(a)(vii), the executive director:]

4089 (b) Within the boundaries of a municipality described in Subsection (5)(a), the  
4090 executive director:

4091 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
4092 facility or interchange connecting limited-access facilities;

4093 (ii) may not program fund money for the construction, reconstruction, or renovation of  
4094 an interchange on a limited-access facility;

4095 (iii) may program Transit Transportation Investment Fund money for a  
4096 multi-community fixed guideway public transportation project; and

4097 (iv) may not program Transit Transportation Investment Fund money for the  
4098 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
4099 transportation project.

4100 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
4101 director before ~~[May 1, 2020]~~ July 1, 2022, for projects prioritized by the commission under  
4102 Section ~~72-1-304~~.

4103 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of  
4104 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may  
4105 not program fund money to a project prioritized by the commission under Section ~~72-1-304~~,  
4106 including fund money from the Transit Transportation Investment Fund, within the boundaries  
4107 of the unincorporated area of ~~[a county, if the county is required to adopt a moderate income~~  
4108 ~~housing plan element as part of the county's general plan as described in Subsection~~  
4109 ~~17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as~~  
4110 ~~part of the county's general plan or has failed to implement the requirements of the moderate~~  
4111 ~~income housing plan as determined by the results of the Department of Workforce Service's~~  
4112 ~~review of the annual moderate income housing report described in Subsection~~  
4113 ~~35A-8-803(1)(a)(vii)]~~ the county during the fiscal year specified in the notice.

4114 ~~[(b) Within the boundaries of the unincorporated area of a county where the county is~~  
4115 ~~required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has~~  
4116 ~~failed to adopt a moderate income housing plan element as part of the county's general plan or~~  
4117 ~~has failed to implement the requirements of the moderate income housing plan as determined~~

4118 by the results of the Department of Workforce Service's review of the annual moderate income  
4119 housing report described in Subsection ~~35A-8-803(1)(a)(vii)~~, the executive director:]

4120 (b) Within the boundaries of the unincorporated area of a county described in  
4121 Subsection (6)(a), the executive director:

4122 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
4123 facility to a project prioritized by the commission under Section ~~72-1-304~~;

4124 (ii) may not program fund money for the construction, reconstruction, or renovation of  
4125 an interchange on a limited-access facility;

4126 (iii) may program Transit Transportation Investment Fund money for a  
4127 multi-community fixed guideway public transportation project; and

4128 (iv) may not program Transit Transportation Investment Fund money for the  
4129 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
4130 transportation project.

4131 (c) Subsections ~~(f5)~~ (6)(a) and (b) do not apply to a project programmed by the  
4132 executive director before July 1, ~~[2020]~~ 2022, for projects prioritized by the commission under  
4133 Section ~~72-1-304~~.

4134 (7) (a) Before bonds authorized by Section ~~63B-18-401~~ or ~~63B-27-101~~ may be issued  
4135 in any fiscal year, the department and the commission shall appear before the Executive  
4136 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
4137 department needs to provide funding for the projects identified in Subsections ~~63B-18-401~~(2),  
4138 (3), and (4) or Subsection ~~63B-27-101~~(2) for the current or next fiscal year.

4139 (b) The Executive Appropriations Committee of the Legislature shall review and  
4140 comment on the amount of bond proceeds needed to fund the projects.

4141 (8) The Division of Finance shall, from money deposited into the fund, transfer the  
4142 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
4143 Section ~~63B-18-401~~ or ~~63B-27-101~~ in the current fiscal year to the appropriate debt service or  
4144 sinking fund.

4145 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
4146 Transportation Investment Fund.

4147 (b) The fund shall be funded by:

4148 (i) contributions deposited into the fund in accordance with Section ~~59-12-103~~;

- 4149 (ii) appropriations into the account by the Legislature;
- 4150 (iii) deposits of sales and use tax increment related to a housing and transit  
4151 reinvestment zone as described in Section [63N-3-610](#);
- 4152 (iv) private contributions; and
- 4153 (v) donations or grants from public or private entities.
- 4154 (c) (i) The fund shall earn interest.
- 4155 (ii) All interest earned on fund money shall be deposited into the fund.
- 4156 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund  
4157 for public transit capital development of new capacity projects to be used as prioritized by the  
4158 commission through the prioritization process adopted under Section [72-1-304](#).
- 4159 (e) (i) The Legislature may only appropriate money from the fund for a public transit  
4160 capital development project or pedestrian or nonmotorized transportation project that provides  
4161 connection to the public transit system if the public transit district or political subdivision  
4162 provides funds of equal to or greater than 40% of the costs needed for the project.
- 4163 (ii) A public transit district or political subdivision may use money derived from a loan  
4164 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or  
4165 part of the 40% requirement described in Subsection (9)(e)(i) if:
- 4166 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
4167 State Infrastructure Bank Fund; and
- 4168 (B) the proposed capital project has been prioritized by the commission pursuant to  
4169 Section [72-1-303](#).
- 4170 (10) (a) There is created in the Transportation Investment Fund of 2005 the  
4171 Cottonwood Canyons Transportation Investment Fund.
- 4172 (b) The fund shall be funded by:
- 4173 (i) money deposited into the fund in accordance with Section [59-12-103](#);
- 4174 (ii) appropriations into the account by the Legislature;
- 4175 (iii) private contributions; and
- 4176 (iv) donations or grants from public or private entities.
- 4177 (c) (i) The fund shall earn interest.
- 4178 (ii) All interest earned on fund money shall be deposited into the fund.
- 4179 (d) The Legislature may appropriate money from the fund for public transit or

4180 transportation projects in the Cottonwood Canyons of Salt Lake County.

4181 Section 45. **Appropriation.**

4182 The following sums of money are appropriated for the fiscal year beginning July 1,  
 4183 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
 4184 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 4185 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 4186 indicated for the use and support of the government of the state of Utah.

4187 ITEM 1

4188 To Department of Workforce Services -- Housing and Community Development  
 4189 From General Fund, One-time \$500,000  
 4190 Schedule of Programs:  
 4191 Housing Development \$500,000

4192 The Legislature intends that the Department of Workforce Services use funds  
 4193 appropriated under this item to develop a statewide database for moderate income housing  
 4194 units as described in Subsection [35A-8-803\(1\)\(a\)\(viii\)](#).

4195 ITEM 2

4196 To Department of Workforce Services -- Housing and Community Development  
 4197 From General Fund, One-time \$750,000  
 4198 Schedule of Programs:  
 4199 Housing Development \$750,000

4200 The Legislature intends that:

4201 (1) the Department of Workforce Services use \$375,000 of the funds appropriated  
 4202 under this item in each of the fiscal years 2023 and 2024 to provide assistance to landlords  
 4203 under the Department of Workforce Services' Section 8 Landlord Incentive Program; and

4204 (2) under the terms of Section [63J-1-603](#) of the Utah Code, appropriations under this  
 4205 item not lapse at the close of fiscal year 2023.

4206 ITEM 3

4207 To Department of Workforce Services -- Administration  
 4208 From General Fund \$132,000  
 4209 Schedule of Programs:  
 4210 Administrative Support \$132,000



4211 The Legislature intends that the Department of Workforce Services use funds  
4212 appropriated under this item to hire one full-time equivalent employee.

4213 ITEM 4

4214 To Department of Workforce Services -- Housing and Community Development

4215 From General Fund, One-time \$250,000

4216 Schedule of Programs:

4217 Housing Development \$250,000

4218 The Legislature intends that:

4219 (1) the Department of Workforce Services distribute funds appropriated under this item  
4220 to a nonprofit entity in the state that provides training and education on land use law;

4221 (2) the Department of Workforce Services follow the provisions of Title 63G, Chapter  
4222 6a, Utah Procurement Code, in selecting the recipient entity; and

4223 (3) the recipient entity use funds distributed from the Department of Workforce  
4224 Services under this item to provide regional land use training and workshops to local officials  
4225 and policymakers on housing issues.

4226 ITEM 5

4227 To Department of Workforce Services -- Housing and Community Development

4228 From General Fund, One-time \$250,000

4229 Schedule of Programs:

4230 Housing Development \$250,000

4231 The Legislature intends that:

4232 (1) the Department of Workforce Services distribute funds appropriated under this item  
4233 to a nonprofit entity in the state that engages in efforts to increase housing affordability through  
4234 local zoning and housing regulation reform; and

4235 (2) the Department of Workforce Services follow the provisions of Title 63G, Chapter  
4236 6a, Utah Procurement Code, in selecting the recipient entity.

4237 ITEM 6

4238 To Department of Commerce -- Commerce General Regulation

4239 From General Fund Restricted -- Commerce Service Account \$250,000

4240 Schedule of Programs:

4241 Administration \$250,000

4242           The Legislature intends that the Office of the Property Rights Ombudsman use  
4243 appropriations under this item to develop a program that provides education and training to  
4244 local land use authorities on state land use requirements, best practices, planning, and growth.

4245           Section 46. **Effective date.**

4246           This bill takes effect on June 1, 2022.