

Representative Raymond P. Ward proposes the following substitute bill:

RESIDENTIAL HOUSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to residential housing.

Highlighted Provisions:

This bill:

- ▶ prohibits certain municipalities from denying approval of a lot, based on lot size, if the lot is at least a specified size;
- ▶ provides that a starter home, as defined, is a permitted use in residential zones within certain municipalities; and
- ▶ requires the Housing and Community Development Division to publish an annual list of mean home prices in certain counties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-505, as last amended by Laws of Utah 2015, Chapter 327

35A-8-202, as last amended by Laws of Utah 2021, Chapter 281



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

Section 1. Section **10-9a-505** is amended to read:

10-9a-505. Zoning districts.

(1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.

(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

(c) A municipality may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:

(i) protect life; and

(ii) prevent:

(A) the substantial loss of real property; or

(B) substantial damage to real property.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zoning district, but the regulations in one zone may differ from those in other zones.

(3) (a) There is no minimum area or diversity of ownership requirement for a zone designation.

(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.

(4) A municipality may by ordinance exempt from specific zoning district standards a subdivision of land to accommodate the siting of a public utility infrastructure.

(5) (a) As used in this Subsection (5):

(i) "Starter home" means a detached, single-family residential unit that:

(A) the unit's builder sells to the first homeowner of the unit at a price that is less than the median price for detached, single-family residential units within the county in which the unit is located; and

57 (B) is subject to a deed restriction requiring the unit to be owner-occupied for the first
58 two years following the issuance of a certificate of occupancy and prohibiting the unit from
59 being sold, during the same two-year period, at a price that exceeds the median price for
60 detached, single-family residential units within the county in which the unit is located.

61 (ii) "Urban municipality" means:

62 (A) a municipality in a county of the first or second class; or

63 (B) a municipality with a population of over 15,000 in a county of the third class.

64 (b) An urban municipality may not deny approval of a lot in a residential zoning
65 district, based on lot size, if the lot is at least 5,400 square feet in size.

66 (c) A starter home is a permitted use in a residential zone of an urban municipality.

67 Section 2. Section **35A-8-202** is amended to read:

68 **35A-8-202. Powers and duties of division.**

69 (1) The division shall:

70 (a) assist local governments and citizens in the planning, development, and
71 maintenance of necessary public infrastructure and services;

72 (b) cooperate with, and provide technical assistance to, counties, cities, towns, regional
73 planning commissions, area-wide clearinghouses, zoning commissions, parks or recreation
74 boards, community development groups, community action agencies, and other agencies
75 created for the purpose of aiding and encouraging an orderly, productive, and coordinated
76 development of the state and its political subdivisions;

77 (c) assist the governor in coordinating the activities of state agencies which have an
78 impact on the solution of community development problems and the implementation of
79 community plans;

80 (d) serve as a clearinghouse for information, data, and other materials which may be
81 helpful to local governments in discharging their responsibilities and provide information on
82 available federal and state financial and technical assistance;

83 (e) carry out continuing studies and analyses of the problems faced by communities
84 within the state and develop such recommendations for administrative or legislative action as
85 appear necessary;

86 (f) assist in funding affordable housing;

87 (g) support economic development activities through grants, loans, and direct programs

88 financial assistance;

89 (h) certify project funding at the local level in conformance with federal, state, and
90 other requirements;

91 (i) utilize the capabilities and facilities of public and private universities and colleges
92 within the state in carrying out its functions; ~~and~~

93 (j) assist and support local governments, community action agencies, and citizens in
94 the planning, development, and maintenance of home weatherization, energy efficiency, and
95 antipoverty activities[-]; and

96 (k) annually publish a list of the mean price of detached, single-family homes in each
97 county of the first, second, or third class.

98 (2) The division may:

99 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal
100 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

101 (b) if any federal program requires the expenditure of state funds as a condition to
102 participation by the state in any fund, property, or service, with the governor's approval, expend
103 whatever funds are necessary out of the money provided by the Legislature for the use of the
104 department;

105 (c) in accordance with Part 9, Domestic Violence Shelters, assist in developing,
106 constructing, and improving shelters for victims of domestic violence, as described in Section
107 [77-36-1](#), through loans and grants to nonprofit and governmental entities; and

108 (d) assist, when requested by a county or municipality, in the development of
109 accessible housing.

110 Section 3. **Effective date.**

111 This bill takes effect on May 1, 2024.