

Representative Stephen L. Whyte proposes the following substitute bill:

AFFORDABLE BUILDING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Stephen L. Whyte

LONG TITLE

General Description:

This bill modifies provisions facilitating affordable buildings.

Highlighted Provisions:

This bill:

- defines terms and modifies definitions;
- adopts a statewide building code for modular building units;
- modifies the membership of the Olene Walker Housing Loan Fund Board by adding a member representing the interests of modular housing;
- modifies provisions related to reinvestment fee covenants or transfer fee covenants;
- modifies provisions of the First-Time Homebuyer Assistance Program;
- authorizes a municipality or county to create a home ownership promotion zone of 10 acres or less;
- describes the purposes and requirements of a home ownership promotion zone;
- allows a home ownership promotion zone to capture tax increment for up to 15 consecutive years to finance the objectives of the home ownership promotion zone;
- authorizes the creation of a home ownership promotion zone to be included in a municipality or county's moderate income housing plan; and
- makes technical and conforming changes.



Money Appropriated in this Bill:

None

Other Special Clauses:

This bill has retrospective operation.

Utah Code Sections Affected:

AMENDS:

10-9a-403, as last amended by Laws of Utah 2023, Chapters 88, 219 and 238
15A-1-202, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
15A-1-205, as enacted by Laws of Utah 2011, Chapter 14
15A-1-302, as enacted by Laws of Utah 2011, Chapter 14
15A-1-304, as enacted by Laws of Utah 2011, Chapter 14
15A-2-103, as last amended by Laws of Utah 2023, Chapters 160, 209
17-27a-403, as last amended by Laws of Utah 2023, Chapters 88, 238
35A-8-503, as last amended by Laws of Utah 2022, Chapter 406
57-1-46, as enacted by Laws of Utah 2010, Chapter 16
59-2-924, as last amended by Laws of Utah 2023, Chapter 502
63H-8-501, as enacted by Laws of Utah 2023, Chapter 519
63H-8-502, as enacted by Laws of Utah 2023, Chapter 519

ENACTS:

10-9a-538, Utah Code Annotated 1953
10-9a-1001, Utah Code Annotated 1953
10-9a-1002, Utah Code Annotated 1953
10-9a-1003, Utah Code Annotated 1953
10-9a-1004, Utah Code Annotated 1953
10-9a-1005, Utah Code Annotated 1953
15A-1-304.1, Utah Code Annotated 1953
15A-1-306.1, Utah Code Annotated 1953
15A-1-307, Utah Code Annotated 1953
15A-1-308, Utah Code Annotated 1953
15A-1-309, Utah Code Annotated 1953
17-27a-1201, Utah Code Annotated 1953

57 **17-27a-1202**, Utah Code Annotated 1953

58 **17-27a-1203**, Utah Code Annotated 1953

59 **17-27a-1204**, Utah Code Annotated 1953

60 **17-27a-1205**, Utah Code Annotated 1953

61 **57-1-47**, Utah Code Annotated 1953

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

64 Section 1. Section **10-9a-403** is amended to read:

65 **10-9a-403. General plan preparation.**

66 (1) (a) The planning commission shall provide notice, as provided in Section
67 **10-9a-203**, of the planning commission's intent to make a recommendation to the municipal
68 legislative body for a general plan or a comprehensive general plan amendment when the
69 planning commission initiates the process of preparing the planning commission's
70 recommendation.

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

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

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

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

83 (i) a land use element that:

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

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

(C) except for a city of the fifth class or a town, is coordinated to integrate the land use element with the water use and preservation element; and

(D) except for a city of the fifth class or a town, accounts for the effect of land use categories and land uses on water demand;

(ii) a transportation and traffic circulation element that:

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

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

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

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

(iii) a moderate income housing element that:

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

(B) for a town, may include a recommendation to implement three or more of the moderate income housing strategies described in Subsection (2)(b)(iii);

(C) for a specified municipality, as defined in Section 10-9a-408, that does not have a fixed guideway public transit station, shall include a recommendation to implement three or more of the moderate income housing strategies described in Subsection (2)(b)(iii);

(D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed guideway public transit station, shall include a recommendation to implement five or more of the moderate income housing strategies described in Subsection (2)(b)(iii), of which one shall

be the moderate income housing strategy described in Subsection (2)(b)(iii)(V), and one shall be a moderate income housing strategy described in Subsection (2)(b)(iii)(G), (H), or (Q); and

(E) for a specified municipality, as defined in Section 10-9a-408, shall include an implementation plan as provided in Subsection (2)(c); and

(iv) except for a city of the fifth class or a town, a water use and preservation element that addresses:

(A) the effect of permitted development or patterns of development on water demand and water infrastructure;

(B) methods of reducing water demand and per capita consumption for future development;

(C) methods of reducing water demand and per capita consumption for existing development; and

(D) opportunities for the municipality to modify the municipality's operations to eliminate practices or conditions that waste water.

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

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

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

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

(ii) for a town, may include, and for a specified municipality as defined in Section 10-9a-408, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;

(iii) for a town, may include, and for a specified municipality as defined in Section 10-9a-408, shall include a recommendation to implement the required number of any of the following moderate income housing strategies as specified in Subsection (2)(a)(iii):

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

(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;

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

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

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

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

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

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

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

(J) implement zoning incentives for moderate income units in new developments;

(K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section [10-9a-535](#), establishing a housing loss mitigation fund;

(L) reduce, waive, or eliminate impact fees related to moderate income housing;

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

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

(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an

entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;

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

(R) create a home ownership promotion zone pursuant to Part 10, Home Ownership Promotion Zone for Municipalities;

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

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

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

~~(U)~~ (V) develop a moderate income housing project for residents who are disabled or 55 years old or older;

~~(V)~~ (W) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

~~(W)~~ (X) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and

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

(iv) shall identify each moderate income housing strategy recommended to the legislative body for implementation by restating the exact language used to describe the strategy in Subsection (2)(b)(iii).

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

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

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, whether one-time or ongoing; and

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

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

(i) identify and consider each agriculture protection area within the municipality;

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

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

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

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

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

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

(f) In drafting the water use and preservation element, the planning commission:

(i) shall consider:

(A) applicable regional water conservation goals recommended by the Division of Water Resources; and

(B) if Section 73-10-32 requires the municipality to adopt a water conservation plan pursuant to Section 73-10-32, the municipality's water conservation plan;

(ii) shall include a recommendation for:

(A) water conservation policies to be determined by the municipality; and

(B) landscaping options within a public street for current and future development that do not require the use of lawn or turf in a parkstrip;

(iii) shall review the municipality's land use ordinances and include a recommendation for changes to an ordinance that promotes the inefficient use of water;

(iv) shall consider principles of sustainable landscaping, including the:

(A) reduction or limitation of the use of lawn or turf;

(B) promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation;

(C) preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions;

(D) elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation;

(E) reduction of yard waste; and

(F) use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated;

(v) shall consult with the public water system or systems serving the municipality with drinking water regarding how implementation of the land use element and water use and preservation element may affect:

(A) water supply planning, including drinking water source and storage capacity consistent with Section 19-4-114; and

(B) water distribution planning, including master plans, infrastructure asset management programs and plans, infrastructure replacement plans, and impact fee facilities plans;

(vi) shall consult with the Division of Water Resources for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and the water use and preservation element may affect the Great Salt Lake;

(vii) may include recommendations for additional water demand reduction strategies,

including:

(A) creating a water budget associated with a particular type of development;

(B) adopting new or modified lot size, configuration, and landscaping standards that will reduce water demand for new single family development;

(C) providing one or more water reduction incentives for existing development such as modification of existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand;

(D) discouraging incentives for economic development activities that do not adequately account for water use or do not include strategies for reducing water demand; and

(E) adopting water concurrency standards requiring that adequate water supplies and facilities are or will be in place for new development; and

(viii) for a town, may include, and for another municipality, shall include, a recommendation for low water use landscaping standards for a new:

(A) commercial, industrial, or institutional development;

(B) common interest community, as defined in Section 57-25-102; or

(C) multifamily housing project.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of:

(A) air;

(B) forests;

(C) soils;

(D) rivers;

(E) groundwater and other waters;

(F) harbors;

(G) fisheries;

(H) wildlife;

(I) minerals; and

(J) other natural resources; and

(ii) (A) the reclamation of land, flood control, prevention and control of the pollution

of streams and other waters;

(B) the regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas;

(C) the prevention, control, and correction of the erosion of soils;

(D) the preservation and enhancement of watersheds and wetlands; and

(E) the mapping of known geologic hazards;

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

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

(i) historic preservation;

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

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

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

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

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

(g) any other element the municipality considers appropriate.

Section 2. Section 10-9a-538 is enacted to read:

10-9a-538. Modular building.

(1) Title 15A, State Construction and Fire Codes Act, governs regulations related to the construction, transportation, installation, inspection, fees, and enforcement related to modular building.

(2) A municipality may adopt an ordinance regulating modular building so long as the ordinance conforms with Title 15A, State Construction and Fire Codes Act, and this chapter.

Section 3. Section **10-9a-1001** is enacted to read:

Part 10. Home Ownership Promotion Zone for Municipalities

10-9a-1001. Definitions.

As used in this part:

(1) "Affordable housing" means housing offered for sale at 80% or less of the median county home price for housing of that type.

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

(3) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.

(4) "Base year" means, for a proposed home ownership promotion zone area, a year beginning the first day of the calendar quarter determined by the last equalized tax roll before the adoption of the home ownership promotion zone.

(5) "Home ownership promotion zone" means a home ownership promotion zone created pursuant to this part.

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

(7) "Participation agreement" means the same as that term is defined in Section [17C-1-102](#).

(8) "Project improvements" means the same as that term is defined in Section [11-36a-102](#).

(9) "System improvements" means the same as that term is defined in Section [11-36a-102](#).

(10) "Tax commission" means the State Tax Commission created in Section [59-1-201](#).

(11) "Tax increment" means the difference between:

(a) the amount of property tax revenue generated each tax year by a taxing entity from the area within a home ownership promotion zone, using the current assessed value and each taxing entity's current certified tax rate as defined in Section [59-2-924](#); and

(b) the amount of property tax revenue that would be generated from that same area using the base taxable value and each taxing entity's current certified tax rate as defined in Section [59-2-924](#).

(12) "Taxing entity" means the same as that term is defined in Section [17C-1-102](#).

Section 4. Section **10-9a-1002** is enacted to read:

10-9a-1002. Municipal designation of a home ownership promotion zone.

(1) Subject to the requirements of Sections [10-9a-1003](#) and [10-9a-1004](#), a municipality may create a home ownership promotion zone as described in this section.

(2) A home ownership promotion zone created under this section:

(a) is an area of 10 contiguous acres or less located entirely within the boundaries of the municipality, zoned for fewer than six housing units per acre before the creation of the home ownership promotion zone;

(b) shall be re-zoned for at least six housing units per acre; and

(c) may not be encumbered by any residential building permits as of the day on which the home ownership promotion zone is created.

(3) (a) The municipality shall designate the home ownership promotion zone by resolution of the legislative body of the municipality, passed or adopted in a public meeting of the legislative body of the municipality, following:

(i) the recommendation of the municipality planning commission; and

(ii) the notification requirements described in Section [10-9a-1004](#).

(b) The resolution described in Subsection (3)(a) shall describe how the home ownership promotion zone created pursuant to this section meets the objectives and requirements in Section [10-9a-1003](#).

(c) The home ownership promotion zone is created on the effective date of the resolution described in Subsection (3)(a).

(4) If a home ownership promotion zone is created as described in this section:

(a) affected local taxing entities are required to participate according to the requirements of the home ownership promotion zone established by the municipality; and

(b) each affected taxing entity is required to participate at the same rate.

(5) A home ownership promotion zone may be modified by the same manner it is created as described in Subsection (3).

(6) Within 30 days after the day on which the municipality creates the home ownership promotion zone as described in Subsection (3), the municipality shall:

(a) record with the recorder of the county in which the home ownership promotion

zone is located a document containing:

(i) a description of the land within the home ownership promotion zone; and

(ii) the date of creation of the home ownership promotion zone;

(b) transmit a copy of the description of the land within the home ownership promotion zone and an accurate map or plat indicating the boundaries of the home ownership promotion zone to the Utah Geospatial Resource Center created under Section [63A-16-505](#); and

(c) transmit a map and description of the land within the home ownership promotion zone to:

(i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any part of the home ownership promotion zone is located;

(ii) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;

(iii) the legislative body or governing board of each taxing entity impacted by the home ownership promotion zone;

(iv) the tax commission; and

(v) the State Board of Education.

(7) A municipality may receive tax increment and use home ownership promotion zone funds as described in Section [10-9a-1005](#).

Section 5. Section **10-9a-1003** is enacted to read:

10-9a-1003. Applicability, requirements, and limitations.

(1) A home ownership promotion zone shall promote the following objectives:

(a) increasing availability of housing, including affordable housing;

(b) promotion of home ownership;

(c) overcoming development impediments and market conditions that render an affordable housing development cost prohibitive absent the incentives resulting from a home ownership promotion zone; and

(d) conservation of water resources through efficient land use.

(2) In order to accomplish the objectives described in Subsection (1), a municipality shall ensure that:

(a) land inside the proposed home ownership promotion zone is zoned as residential,

with at least six planned housing units per acre;

(b) at least 60% of the proposed housing units within the home ownership promotion zone are affordable housing units; and

(c) all of the proposed housing units within the home ownership promotion zone are deed restricted to require owner occupation for at least five years.

(3) A municipality may restrict short term rentals in a home ownership promotion zone.

(4) A municipality may not create a home ownership promotion zone if the area in the proposed home ownership promotion zone would overlap with:

(a) a project area, as that term is defined in Section 17C-1-102, and created under Title 17C, Chapter 1, Agency Operations, until the project area is dissolved pursuant to Section 17C-1-702; or

(b) an existing housing and transit reinvestment zone.

Section 6. Section 10-9a-1004 is enacted to read:

10-9a-1004. Notification prior to creation of a home ownership promotion zone.

(1) (a) As used in this section, "hearing" means a public meeting in which the legislative body of a municipality:

(i) considers a resolution creating a home ownership promotion zone; and

(ii) takes public comment on a proposed home ownership promotion zone.

(b) A hearing under this section may be combined with any other public meeting of a legislative body of a municipality.

(2) Before a municipality creates a home ownership promotion zone as described in Section 10-9a-1002, it shall provide notice of a hearing as described in this section.

(3) The notice required by Subsection (2) shall be given by:

(a) publishing notice for the municipality, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the legislative body of the municipality intends to have a hearing;

(b) at least 30 days before the hearing, mailing notice to:

(i) each record owner of property located within the proposed home ownership promotion zone;

(ii) the State Tax Commission;

(iii) the assessor and auditor of the county in which the proposed home ownership promotion zone is located; and

(iv) (A) if the proposed home ownership promotion zone is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or

(B) if the proposed home ownership promotion zone is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the proposed home ownership promotion zone.

(4) The mailing of the notice to record property owners required under Subsection (3)(b) shall be conclusively considered to have been properly completed if:

(a) the agency mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and

(b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.

(5) The municipality shall include in each notice required under this section:

(a) (i) a boundary description of the proposed home ownership promotion zone; or

(ii) (A) a mailing address or telephone number where a person may request that a copy of the boundary description of the proposed home ownership promotion zone be sent at no cost to the person by mail, email, or facsimile transmission; and

(B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description of the proposed home ownership promotion zone;

(b) a map of the boundaries of the proposed home ownership promotion zone;

(c) an explanation of the purpose of the hearing; and

(d) a statement of the date, time, and location of the hearing.

(6) The municipality shall include in each notice under Subsection (3)(b):

(a) a statement that property tax revenue resulting from an increase in valuation of property within the proposed home ownership promotion zone will be paid to the municipality for proposed home ownership promotion zone development rather than to the taxing entity to which the tax revenue would otherwise have been paid; and

491 (b) an invitation to the recipient of the notice to submit to the municipality comments
492 concerning the subject matter of the hearing before the date of the hearing.

493 (7) A municipality may include in a notice under Subsection (2) any other information
494 the municipality considers necessary or advisable, including the public purpose achieved by the
495 proposed home ownership promotion zone.

496 Section 7. Section **10-9a-1005** is enacted to read:

497 **10-9a-1005. Payment, use, and administration of revenue from a home ownership**
498 **promotion zone.**

499 (1) (a) A municipality may receive tax increment and use home ownership promotion
500 zone funds in accordance with this section.

501 (b) The maximum amount of time that a municipality may receive and use tax
502 increment pursuant to a home ownership promotion zone is 15 consecutive years.

503 (2) A county that collects property tax on property located within a home ownership
504 promotion zone shall, in accordance with Section [59-2-1365](#), distribute 60% of the tax
505 increment collected from property within the home ownership promotion zone to the
506 municipality over the home ownership promotion zone to be used as described in this section.

507 (3) (a) Tax increment distributed to a municipality in accordance with Subsection (2) is
508 not revenue of the taxing entity or municipality, but home ownership promotion zone funds.

509 (b) Home ownership promotion zone funds may be administered by an agency created
510 by the municipality within which the home ownership promotion zone is located.

511 (c) Before an agency may receive home ownership promotion zone funds from a
512 municipality, the agency shall enter into an interlocal agreement with the municipality.

513 (4) (a) A municipality or agency shall use home ownership promotion zone funds
514 within, or for the direct benefit of, the home ownership promotion zone.

515 (b) If any home ownership promotion zone funds will be used outside of the home
516 ownership promotion zone, the legislative body of the municipality shall make a finding that
517 the use of the home ownership promotion zone funds outside of the home ownership
518 promotion zone will directly benefit the home ownership promotion zone.

519 (5) A municipality or agency shall use home ownership promotion zone funds to
520 achieve the purposes described in Section [10-9a-1003](#) by paying all or part of the costs of any
521 of the following:

522 (a) project improvement costs;
523 (b) systems improvement costs;
524 (c) property acquisition costs within the home ownership promotion zone; or
525 (d) the costs of the municipality or agency to create and administer the home
526 ownership promotion zone, which may not exceed 3% of the total home ownership promotion
527 zone funds.

528 (6) Home ownership promotion zone funds may be paid to a participant, if the
529 municipality and participant enter into a participation agreement which requires the participant
530 to utilize the home ownership promotion zone funds as allowed in this section.

531 (7) Home ownership promotion zone funds may be used to pay all of the costs of bonds
532 issued by the municipality in accordance with Title 17C, Chapter 1, Part 5, Agency Bonds,
533 including the cost to issue and repay the bonds including interest.

534 (8) A municipality may:
535 (a) create one or more public infrastructure districts within a home ownership
536 promotion zone under Title 17D, Chapter 4, Public Infrastructure District Act; and
537 (b) pledge and utilize the home ownership promotion zone funds to guarantee the
538 payment of public infrastructure bonds issued by a public infrastructure district.

539 Section 8. Section **15A-1-202** is amended to read:

540 **15A-1-202. Definitions.**

541 As used in this chapter:

542 (1) "Agricultural use" means a use that relates to the tilling of soil and raising of crops,
543 or keeping or raising domestic animals.

544 (2) (a) "Approved code" means a code, including the standards and specifications
545 contained in the code, approved by the division under Section **15A-1-204** for use by a
546 compliance agency.

547 (b) "Approved code" does not include the State Construction Code.

548 (3) "Building" means a structure used or intended for supporting or sheltering any use
549 or occupancy and any improvements attached to it.

550 (4) "Code" means:

551 (a) the State Construction Code; or

552 (b) an approved code.

(5) "Commission" means the Uniform Building Code Commission created in Section 15A-1-203.

(6) "Compliance agency" means:

(a) an agency of the state or any of its political subdivisions which issues permits for construction regulated under the codes;

(b) any other agency of the state or its political subdivisions specifically empowered to enforce compliance with the codes; or

(c) any other state agency which chooses to enforce codes adopted under this chapter by authority given the agency under a title other than this part and Part 3, Factory Built Housing and Modular Units Administration Act.

(7) "Construction code" means standards and specifications published by a nationally recognized code authority for use in circumstances described in Subsection 15A-1-204(1), including:

(a) a building code;

(b) an electrical code;

(c) a residential one and two family dwelling code;

(d) a plumbing code;

(e) a mechanical code;

(f) a fuel gas code;

(g) an energy conservation code;

(h) a swimming pool and spa code; ~~and~~

(i) a manufactured housing installation standard code; and

(j) Modular Building Institute Standards 1200 and 1205, issued by the International Code Council, except as specifically modified by provisions of this title governing modular units.

(8) "Construction project" means the same as that term is defined in Section 38-1a-102.

(9) "Executive director" means the executive director of the Department of Commerce.

(10) "Legislative action" includes legislation that:

(a) adopts a new State Construction Code;

(b) amends the State Construction Code; or

(c) repeals one or more provisions of the State Construction Code.

(11) (a) "Local regulator" means a political subdivision of the state that is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, ~~[and]~~ installation, inspection, or other activities subject to the codes.

(b) "Local regulator" may include the local regulator's designee.

(12) "Membrane-covered frame structure" means a nonpressurized building with a structure composed of a rigid framework to support a tensioned membrane that provides a weather barrier.

(13) "Not for human occupancy" means use of a structure for purposes other than protection or comfort of human beings, but allows people to enter the structure for:

(a) maintenance ~~[and]~~ or repair; ~~[and]~~ or

(b) the care of livestock, crops, or equipment intended for agricultural use which are kept there.

(14) "Opinion" means a written, nonbinding, and advisory statement issued by the commission concerning an interpretation of the meaning of the codes or the application of the codes in a specific circumstance issued in response to a specific request by a party to the issue.

(15) "Remote yurt" means a membrane-covered frame structure that:

(a) is no larger than 710 square feet;

(b) is not used as a permanent residence;

(c) is located in an unincorporated county area that is not zoned for residential, commercial, industrial, or agricultural use;

(d) does not have plumbing or electricity;

(e) is set back at least 300 feet from any river, stream, lake, or other body of water; and

(f) is registered with the local health department.

(16) "State regulator" means an agency of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.

Section 9. Section **15A-1-205** is amended to read:

15A-1-205. Division duties -- Relationship of division to other entities.

(1) (a) The division shall administer the codes adopted or approved under Section **15A-1-204** pursuant to this chapter.

(b) Notwithstanding Subsection (1)(a), the division has no responsibility to:

- (i) conduct inspections to determine compliance with the codes;
- (ii) issue permits; or
- (iii) assess building permit fees.

(c) Notwithstanding any other provision, the division, the Division of Facilities Construction and Management, the state regulator, any approved third party inspection agency as defined by Section 15A-1-302, or any approved third party inspector as defined by Section 15A-1-302 does not have the responsibility or authority to perform the duties reserved to a local regulator as set forth in Section 15A-1-304, unless designated by a local regulator to perform that duty.

(2) As part of the administration of the codes, the division shall:

- (a) comply with Section 15A-1-206;
- (b) schedule appropriate hearings;
- (c) maintain and publish for reference:
 - (i) the current State Construction Code; and
 - (ii) any approved code; and
- (d) publish the opinions of the commission with respect to interpretation and

application of the codes.

(3) (a) As part of the administration of the codes, the division shall license inspectors, including approved third party inspectors.

(b) The Division of Facilities Construction and Management may access a list of all licensed inspectors, including approved third party inspectors, on the division's website.

Section 10. Section 15A-1-302 is amended to read:

15A-1-302. Definitions.

As used in this part:

(1) "Compliance agency" ~~[is as]~~ means the same as that term is defined in Section 15A-1-202.

(2) "Construction documents" means the same as that term is defined by Modular Building Institute Standards 1200.

(3) "Decal" means a form of certification, created by the Division of Facilities Construction and Management and issued by a third party inspection agency, to be permanently attached to a module, panelized system, or modular building unit indicating that the module,

646 panelized system, or modular building unit has been constructed to meet or exceed applicable
647 building code requirements.

648 ~~[(2)]~~ (4) "Factory built housing" means a manufactured home or mobile home.

649 ~~[(3)]~~ (5) "Factory built housing set-up contractor" means an individual licensed by the
650 division to set up or install factory built housing on a temporary or permanent basis.

651 ~~[(4)]~~ (6) "HUD Code" means the National Manufactured Housing Construction and
652 Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

653 ~~[(5)]~~ (7) "Local regulator" ~~[is-as]~~ means the same as that term is defined in Section
654 15A-1-202.

655 ~~[(6)]~~ (8) "Manufactured home" means a transportable factory built housing unit
656 constructed on or after June 15, 1976, according to the HUD Code, in one or more sections,
657 that:

658 (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in
659 length, or when erected on site, is 400 or more square feet; and

660 (b) is built on a permanent chassis and designed to be used as a dwelling with or
661 without a permanent foundation when connected to the required utilities, and includes the
662 plumbing, heating, air-conditioning, and electrical systems.

663 (9) "Manufacturing plant" means the same as that term is defined by Modular Building
664 Institute Standards 1200.

665 ~~[(7)]~~ (10) "Mobile home" means a transportable factory built housing unit built before
666 June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD
667 Code.

668 (11) "Modular manufacturer" means the entity responsible for manufacturing a
669 panelized system or module.

670 ~~[(8)]~~ (12) "Modular unit" or "modular building unit" means a structure:

671 (a) ~~[built from sections that are manufactured]~~ constructed from one or more modules
672 or panelized systems that is manufactured in accordance with the State Construction Code and
673 transported to a [building site; and] location;

674 (b) the purpose of which is for human habitation, occupancy, or use; and

675 (c) is not a factory-built house, manufactured home, or mobile home.

676 (13) "Module" means a three-dimensional, volumetric section of a modular building

unit designed and approved to be transported as a single section, independent of other sections, to a location for onsite construction.

(14) "Offsite construction" means a modular building unit that:

(a) is designed and constructed in compliance with this part;

(b) is wholly or in substantial part fabricated in a manufacturing plant for installation at an onsite location; and

(c) has been manufactured in such a manner that all parts or processes cannot be inspected at the end site location without disassembly, potentially resulting in damage or destruction to the modular building unit.

(15) "Onsite construction" means:

(a) the preparation of a location where a modular building unit will be installed, including preparation of site foundation, construction of any necessary supporting structure, and preparation to connect the modular building unit to necessary utilities; and

(b) assembly and installation of one or more modules or panelized systems in accordance with construction documents into a modular building unit, including completion of any site-related construction and connecting the modular building unit to necessary utilities.

(16) "Panelized system" means a closed wall, roof, or floor component that is constructed at a manufacturing plant or by a modular manufacturer in a manner that prevents the construction from being fully inspected at an onsite location without disassembly, damage, or destruction.

~~[(9)]~~ (17) "State regulator" ~~[is as]~~ means the same as that term is defined in Section 15A-1-202.

(18) "Third party inspection agency" means an entity approved by the Division of Facilities Construction and Management to be qualified to inspect a module or panelized system for compliance with the construction documents, compliance control, and applicable code.

(19) "Third party inspector" means a person who:

(a) is qualified to inspect a modular building unit for compliance with construction documents, compliance control, and applicable building code;

(b) works under the direction of a third party inspection agency;

(c) has been licensed by the division under Section 15A-1-307; and

(d) is approved by the Division of Facilities Construction and Management to conduct third party inspections, as described in Section 15A-1-307.

(20) "Unregistered modular unit" means a modular unit that:

(a) has not been inspected as required by this title; or

(b) does not have a required decal.

Section 11. Section **15A-1-304** is amended to read:

15A-1-304. Modular units.

Modular unit construction, ~~setup~~ installation, issuance of permits for construction or ~~setup~~ installation, and setup shall be in accordance with the following:

(1) Construction, installation, and setup of a modular unit, module, or panelized system shall be in accordance with the State Construction Code.

(2) A local regulator has the responsibility and exclusive authority ~~[for plan review and issuance of permits for construction, modification, or setup for the political subdivision in which the modular unit is to be setup;]~~ to:

(a) review and approve the elements of construction documents related to onsite construction;

(b) issue a permit for construction of a modular building unit or a modular building unit site modification;

(c) perform an inspection of onsite construction of a modular building unit or modular building unit site modification;

(d) verify that a module or panelized system is installed in accordance with:

(i) the modular unit's construction documents;

(ii) the State Construction Code; and

(iii) applicable state and local requirements;

(e) verify that a decal has been permanently affixed to a modular building unit;

(f) subject to Subsection (3), establish and assess fees related to the construction and installation of modular units;

(g) upon discovery of visible damage to a module or panelized system, or discovery of evidence that would cause a reasonable inspector to believe that a modular building unit may not be in compliance with the State Construction Code or construction documents:

(i) inform the Division of Facilities Construction and Management; and

(ii) proceed in accordance with the guidance in Modular Building Institute Standards 1200 and 1205;

(h) approve any proposed alteration or change to a set of construction documents so long as the alteration or change complies with the requirements of this chapter;

(i) inspect any alteration to a modular unit or panelized system that occurred after installation;

(j) notwithstanding any other provision of state law, the construction code and standards, agency rule, or local ordinance:

(i) prevent the use or occupancy of a modular building unit that, in the opinion of the local regulator, contains a serious defect or presents an imminent safety hazard; and

(ii) report the prevention of use or occupancy of a modular building unit to the Division of Facilities Construction and Management and the division; and

(k) perform all other duties and responsibilities set forth in the Modular Building Institute Standards 1200 and 1205 not otherwise listed in this section.

(3) Fees related to the construction and installation of modular building units may include building permit fees, inspection fees, impact fees, and administrative fees.

(4) (a) In addition to any immunity and protections set forth in the Utah Governmental Immunity Act, a municipality shall not be liable for a claim arising solely from the offsite construction of a module, panelized system, or modular building unit.

(b) A local regulator may provide written notice with the certificate of occupancy that explains the municipality's limitations of liability pursuant to this section and the Utah Governmental Immunity Act.

~~[(3)]~~ (5) An inspection of the construction, modification of, or setup of a modular unit shall conform with this chapter.

~~[(4)]~~ (6) A local regulator has the responsibility to issue an approval for the political subdivision in which a modular unit is to be setup or is setup.

~~[(5)]~~ (7) Nothing in this section precludes:

(a) a local regulator from contracting with a qualified third party to act as its designee for the inspection or plan review provided in this section; or

(b) the state from entering into an interstate compact for third party inspection of the construction of a modular unit.

Section 12. Section **15A-1-304.1** is enacted to read:

15A-1-304.1. Unregistered modular units.

(1) Except as provided in Subsection (7), the Division of Facilities Construction and Management shall determine whether an unregistered modular unit is compliant with this chapter.

(2) Upon discovery of an unregistered modular unit, the Division of Facilities Construction and Management shall:

(a) inform the local regulator, which shall:

(i) issue an order to the owner of the unregistered modular unit to cease use or occupancy of the unregistered modular unit until a third party inspector determines the unregistered modular unit has come into compliance; or

(ii) determine if the unregistered modular unit is considered compliant, as described in Subsection (7); and

(b) require the owner of the unregistered modular unit to:

(i) produce documentation of the modular unit's compliance with this chapter:

(A) if the unregistered modular unit is only missing a decal or had a decal but the decal is no longer visible; or

(B) if the unregistered modular unit is considered compliant under Subsection (7); or

(ii) arrange for a third party inspector to inspect the unregistered modular unit, as described in Subsection (4).

(3) Upon receiving and verifying the documentation described in Subsection (2)(b)(i)(A), the Division of Facilities Construction and Management shall issue the owner of an unregistered modular unit a decal to be affixed to the unregistered modular unit.

(4) (a) Upon inspection of an unregistered modular unit, a third party inspector shall determine when and where the unregistered modular unit was manufactured.

(b) If the unregistered modular unit was manufactured in another state by a modular manufacturer approved by a regulator in that state at the time the unregistered modular unit was manufactured, the third party inspector shall:

(i) conduct a review of the original construction documents and the requirements of the state in which the unregistered modular unit was manufactured as of the time of manufacturing to determine the degree to which the unregistered modular unit's manufacture and installation

is compliant with the requirements of this chapter;

(ii) in accordance with Subsection (5), conduct an inspection of the unregistered modular unit; and

(iii) determine whether the unregistered modular unit is compliant with:

(A) the requirements for a modular building described in this chapter; and

(B) the building codes that were in effect at the time the unregistered modular building was manufactured.

(c) If the unregistered modular unit was manufactured in another state by a modular manufacturer that was not approved by that state, or if the date of manufacture of the unregistered modular unit cannot be determined, the third party inspector shall:

(i) in accordance with Subsection (5), conduct an inspection of the unregistered modular unit; and

(ii) determine whether the unregistered modular unit is compliant with the requirements for a modular building described in this chapter.

(d) If the third party inspector cannot determine where or when the unregistered modular unit was manufactured, or if original construction documents for the unregistered modular unit cannot be located or verified, the third party inspector shall inspect the unregistered modular unit for compliance with this chapter, including requiring disassembly of the unregistered modular unit if necessary.

(5) If the third party inspector is able to review and verify the original construction documents for the unregistered modular unit, and the original construction documents for the unregistered modular unit are sufficient to determine whether the construction of the unregistered modular unit complies with this chapter, the third party inspector may not require disassembly of the modular unit.

(6) (a) If the third party inspector determines the unregistered modular unit is compliant with the requirements for modular units in this chapter:

(i) the third party inspector shall report the finding to:

(A) the Division of Facilities Construction and Management; and

(B) the local regulator; and

(ii) affix a decal to the unregistered modular unit.

(b) The report described in Subsection (6)(a)(i) shall include a description of any

changes made to the unregistered modular unit.

(7) If an unregistered modular unit installed before May 4, 2024, has a certificate of occupancy from a local regulator, the unregistered modular unit is considered compliant with the requirements for a modular unit described in this chapter so long as the unregistered modular unit remains in the jurisdiction of the local regulator that issued the certificate of occupancy.

Section 13. Section **15A-1-306.1** is enacted to read:

15A-1-306.1. Division of Facilities Construction and Management duties for modular building units.

The Division of Facilities Construction and Management:

(1) shall maintain current information on the HUD Code and the portions of the State Construction Code relevant to modular building unit installation and provide at reasonable cost the information to compliance agencies or local regulators requesting the information;

(2) shall provide qualified personnel to advise compliance agencies and local regulators regarding the standards for:

(a) construction and installation of modular building units;

(b) construction and setup inspection of modular building units; and

(c) additions or modifications to modular building units;

(3) may inspect modular building units during the construction or manufacturing process to determine compliance of a modular manufacturer with this title for modular building units to be installed within the state;

(4) upon a finding of substantive deficiency at a modular manufacturer, through inspection or based on a report from an approved third party inspection agency, may:

(a) suspend the manufacturer's construction of modular units to be sold or installed in the state;

(b) issue a corrective order to the manufacturer; or

(c) require an increase in third party inspections until the Division of Facilities Construction and Management is satisfied that the deficiency is resolved;

(5) shall, if an action is taken pursuant to Subsection (4), provide notice of its action and a copy of the corrective order to the local regulator in the political subdivision where a modular unit is to be installed;

(6) shall have rights of entry and inspection as specified under the HUD Code and Modular Building Institute Standard 1200 and Standard 1205, as applicable;

(7) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section and Section 15A-1-307, including a continuing education requirement for modular building unit construction and installation contractors; and

(8) shall have the authority to set and collect fees associated with the provision of decals to support the administration of the modular building unit program.

Section 14. Section 15A-1-307 is enacted to read:

15A-1-307. Third party review - Inspection agencies.

(1) By no later than July 1, 2024, the Division of Facilities Construction and Management shall maintain a list of third party inspection agencies that have been approved by the Division of Facilities Construction and Management to conduct:

(a) review of construction documents; and

(b) an inspection of a module or panelized system.

(2) An approved third party inspection agency:

(a) shall demonstrate knowledge of applicable sections of the Utah Code and State Construction Code and other applicable laws and rules;

(b) shall be independent in judgment and not have any actual or potential conflict of interest;

(c) is not affiliated with or influenced or controlled by any producer, supplier, vendor, developer, builder, or related fields applicable to the construction of modular units in any manner that might affect its capacity to render its conclusions and inspections without bias;

(d) shall carry insurance in the amount set by the Division of Facilities Construction and Management to cover liabilities and losses arising or relating to possible errors and omissions from its operations, reviews, and inspections; and

(e) shall perform all duties set forth in the Modular Building Institute Standard 1205, Chapter 4, as amended.

(3) An approved third party inspector:

(a) shall demonstrate knowledge of applicable sections of the Utah Code and State Construction Code and other applicable laws and rules;

(b) shall be independent in judgment and not have any actual or potential conflict of

894 interest;

895 (c) is not affiliated with or influenced or controlled by any producer, supplier, vendor,
896 developer, builder, or related fields applicable to the construction of modular units in any
897 manner that might affect its capacity to render its conclusions and inspections without bias;

898 (d) shall carry insurance in the amount set by the Division of Facilities Construction
899 and Management to cover liabilities and losses arising or relating to possible errors and
900 omissions from its operations, reviews, and inspections; and

901 (e) shall perform all duties set forth in the Modular Building Institute Standard 1205,
902 Chapter 4, as amended.

903 (4) A third party inspector at an approved third party agency shall:

904 (a) be licensed and certified as a combination building inspector under Title 58,
905 Occupations and Professions;

906 (b) meet the requirements for a third party inspector under the Modular Building
907 Institute Standard 1205, Chapter 4; and

908 (c) be knowledgeable regarding the construction and installation of modular units.

909 (5) (a) A modular manufacturer shall contract with one or more third party agencies or
910 third party inspectors to perform offsite construction documents review and inspection.

911 (b) A contract described in Subsection (5)(a) does not constitute an actual or implied
912 conflict of interest.

913 Section 15. Section **15A-1-308** is enacted to read:

914 **15A-1-308. Manufacturing plants -- Quality assurance inspections.**

915 (1) The Division of Facilities Construction and Management shall approve a modular
916 manufacturer before modular building units produced by or sold by the modular manufacturer
917 may be used for human occupancy within the state.

918 (2) A modular manufacturer, or an employee of a modular manufacturer, shall meet
919 each requirement of Modular Building Institute 1200 Standard, Chapter 5 and 1205 Standard,
920 Chapters 4 and 5.

921 (3) The quality assurance and control plan, as required in Modular Building Institute
922 1200 Standard, Chapter 5, and further defined per Modular Building Institute 1205 Standard,
923 Chapter 5, shall include a conflict of interest form developed by the Division of Facilities
924 Construction and Management.

(4) Quality assurance personnel at the manufacturing plant shall:

(a) demonstrate to the Division of Facilities Construction and Management and an applicable third party inspection agency that the quality assurance personnel have adequate knowledge of the product, factory operations, and the codes and standards for the product being manufactured;

(b) demonstrate to the satisfaction of the Division of Facilities Construction and Management the ability of the quality assurance personnel to perform required duties, as outlined by the Division of Facilities Construction and Management by rule; and

(c) inspect each module and panelized system for quality control.

(5) (a) After local building permit issuance, a modular manufacturer, third party agency, or third party inspector may not amend a construction document without approval from a local regulator.

(b) A local regulator shall approve an amendment to a construction document unless it violates a site-specific provision of municipal code or affects the safety or the habitability of a modular unit.

Section 16. Section **15A-1-309** is enacted to read:

15A-1-309. Decal.

A decal issued by the Division of Facilities Construction and Management and affixed by a third party inspection agency in compliance with this part shall warrant that the modular building unit has been inspected in accordance with this part and the modular building unit is:

(1) fit for human occupancy; and

(2) manufactured in accordance with applicable codes and the construction documents.

Section 17. Section **15A-2-103** is amended to read:

15A-2-103. Specific editions adopted of construction code of a nationally recognized code authority.

(1) Subject to the other provisions of this part, the following construction codes are incorporated by reference, and together with the amendments specified in Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code, and Chapter 4, Local Amendments Incorporated as Part of State Construction Code, are the construction standards to be applied to building construction, alteration, remodeling, and repair, and in the regulation of building construction, alteration, remodeling, and repair in the state:

- 956 (a) the 2021 edition of the International Building Code, including Appendices C and J,
957 issued by the International Code Council;
- 958 (b) except as provided in Subsection (1)(c), the 2021 edition of the International
959 Residential Code, issued by the International Code Council;
- 960 (c) the residential provisions of Chapter 11, Energy Efficiency, of the 2015 edition of
961 the International Residential Code, issued by the International Code Council;
- 962 (d) Appendix AQ of the 2021 edition of the International Residential Code, issued by
963 the International Code Council;
- 964 (e) the 2021 edition of the International Plumbing Code, issued by the International
965 Code Council;
- 966 (f) the 2021 edition of the International Mechanical Code, issued by the International
967 Code Council;
- 968 (g) the 2021 edition of the International Fuel Gas Code, issued by the International
969 Code Council;
- 970 (h) the 2020 edition of the National Electrical Code, issued by the National Fire
971 Protection Association;
- 972 (i) the residential provisions of the 2015 edition of the International Energy
973 Conservation Code, issued by the International Code Council;
- 974 (j) the commercial provisions of the 2021 edition of the International Energy
975 Conservation Code, issued by the International Code Council;
- 976 (k) the 2021 edition of the International Existing Building Code, issued by the
977 International Code Council;
- 978 (l) subject to Subsection 15A-2-104(2), the HUD Code;
- 979 (m) subject to Subsection 15A-2-104(1), Appendix AE of the 2021 edition of the
980 International Residential Code, issued by the International Code Council;
- 981 (n) subject to Subsection 15A-2-104(1), the 2005 edition of the NFPA 225 Model
982 Manufactured Home Installation Standard, issued by the National Fire Protection Association;
- 983 (o) subject to Subsection (3), for standards and guidelines pertaining to plaster on a
984 historic property, as defined in Section 9-8a-302, the U.S. Department of the Interior
985 Secretary's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;
986 [and]

(p) the residential provisions of the 2021 edition of the International Swimming Pool and Spa Code, issued by the International Code Council[-]; and

(q) Modular Building Institute Standards 1200 and 1205, issued by the International Code Council, except as modified by provisions of this title governing modular units.

(2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code, issued by the International Code Council, with the alternatives or amendments approved by the Utah Division of Forestry, Fire, and State Lands, as a construction code that may be adopted by a local compliance agency by local ordinance or other similar action as a local amendment to the codes listed in this section.

(3) The standards and guidelines described in Subsection (1)(o) apply only if:

(a) the owner of the historic property receives a government tax subsidy based on the property's status as a historic property;

(b) the historic property is wholly or partially funded by public money; or

(c) the historic property is owned by a government entity.

Section 18. Section **17-27a-403** is amended to read:

17-27a-403. Plan preparation.

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

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

(i) the unincorporated area within the county; or

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

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

(ii) Elements of the county plan that address incorporated areas are not an official plan

or part of a municipal plan for any municipality, unless the county plan is recommended by the municipal planning commission and adopted by the governing body of the municipality.

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

(i) a land use element that:

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

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

(C) is coordinated to integrate the land use element with the water use and preservation element; and

(D) accounts for the effect of land use categories and land uses on water demand;

(ii) a transportation and traffic circulation element that:

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

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

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

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

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

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

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

1049 (iv) a resource management plan detailing the findings, objectives, and policies
1050 required by Subsection 17-27a-401(3); and
1051 (v) a water use and preservation element that addresses:
1052 (A) the effect of permitted development or patterns of development on water demand
1053 and water infrastructure;
1054 (B) methods of reducing water demand and per capita consumption for future
1055 development;
1056 (C) methods of reducing water demand and per capita consumption for existing
1057 development; and
1058 (D) opportunities for the county to modify the county's operations to eliminate
1059 practices or conditions that waste water.
1060 (b) In drafting the moderate income housing element, the planning commission:
1061 (i) shall consider the Legislature's determination that counties should facilitate a
1062 reasonable opportunity for a variety of housing, including moderate income housing:
1063 (A) to meet the needs of people of various income levels living, working, or desiring to
1064 live or work in the community; and
1065 (B) to allow people with various incomes to benefit from and fully participate in all
1066 aspects of neighborhood and community life; and
1067 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1068 the development of moderate income housing within the planning horizon, including a
1069 recommendation to implement three or more of the following moderate income housing
1070 strategies:
1071 (A) rezone for densities necessary to facilitate the production of moderate income
1072 housing;
1073 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
1074 facilitates the construction of moderate income housing;
1075 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
1076 stock into moderate income housing;
1077 (D) identify and utilize county general fund subsidies or other sources of revenue to
1078 waive construction related fees that are otherwise generally imposed by the county for the
1079 construction or rehabilitation of moderate income housing;

1080 (E) create or allow for, and reduce regulations related to, internal or detached accessory
1081 dwelling units in residential zones;

1082 (F) zone or rezone for higher density or moderate income residential development in
1083 commercial or mixed-use zones, commercial centers, or employment centers;

1084 (G) amend land use regulations to allow for higher density or new moderate income
1085 residential development in commercial or mixed-use zones near major transit investment
1086 corridors;

1087 (H) amend land use regulations to eliminate or reduce parking requirements for
1088 residential development where a resident is less likely to rely on the resident's own vehicle,
1089 such as residential development near major transit investment corridors or senior living
1090 facilities;

1091 (I) amend land use regulations to allow for single room occupancy developments;

1092 (J) implement zoning incentives for moderate income units in new developments;

1093 (K) preserve existing and new moderate income housing and subsidized units by
1094 utilizing a landlord incentive program, providing for deed restricted units through a grant
1095 program, or establishing a housing loss mitigation fund;

1096 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

1097 (M) demonstrate creation of, or participation in, a community land trust program for
1098 moderate income housing;

1099 (N) implement a mortgage assistance program for employees of the county, an
1100 employer that provides contracted services for the county, or any other public employer that
1101 operates within the county;

1102 (O) apply for or partner with an entity that applies for state or federal funds or tax
1103 incentives to promote the construction of moderate income housing, an entity that applies for
1104 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
1105 entity that applies for affordable housing programs administered by the Department of
1106 Workforce Services, an entity that applies for services provided by a public housing authority
1107 to preserve and create moderate income housing, or any other entity that applies for programs
1108 or services that promote the construction or preservation of moderate income housing;

1109 (P) demonstrate utilization of a moderate income housing set aside from a community
1110 reinvestment agency, redevelopment agency, or community development and renewal agency

1111 to create or subsidize moderate income housing;

1112 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,

1113 Part 6, Housing and Transit Reinvestment Zone Act;

1114 (R) create a home ownership promotion zone pursuant to Part 12, Home Ownership

1115 Promotion Zone for Counties;

1116 [~~R~~] (S) eliminate impact fees for any accessory dwelling unit that is not an internal

1117 accessory dwelling unit as defined in Section 10-9a-530;

1118 [~~S~~] (T) create a program to transfer development rights for moderate income housing;

1119 [~~T~~] (U) ratify a joint acquisition agreement with another local political subdivision

1120 for the purpose of combining resources to acquire property for moderate income housing;

1121 [~~U~~] (V) develop a moderate income housing project for residents who are disabled or

1122 55 years old or older;

1123 [~~V~~] (W) create or allow for, and reduce regulations related to, multifamily residential

1124 dwellings compatible in scale and form with detached single-family residential dwellings and

1125 located in walkable communities within residential or mixed-use zones; and

1126 [~~W~~] (X) demonstrate implementation of any other program or strategy to address the

1127 housing needs of residents of the county who earn less than 80% of the area median income,

1128 including the dedication of a local funding source to moderate income housing or the adoption

1129 of a land use ordinance that requires 10% or more of new residential development in a

1130 residential zone be dedicated to moderate income housing.

1131 (iii) If a specified county, as defined in Section 17-27a-408, has created a small public

1132 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified

1133 county shall include as part of the specified county's recommended strategies under Subsection

1134 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

1135 (iv) The planning commission shall identify each moderate income housing strategy

1136 recommended to the legislative body for implementation by restating the exact language used

1137 to describe the strategy in Subsection (2)(b)(ii).

1138 (c) In drafting the land use element, the planning commission shall:

1139 (i) identify and consider each agriculture protection area within the unincorporated area

1140 of the county or mountainous planning district;

1141 (ii) avoid proposing a use of land within an agriculture protection area that is

inconsistent with or detrimental to the use of the land for agriculture; and

(iii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

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

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

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

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

(e) (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to the legislative body the establishment of a five-year timeline for implementing each of the moderate income housing strategies selected by the county for implementation.

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

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

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

(f) In drafting the water use and preservation element, the planning commission:

(i) shall consider applicable regional water conservation goals recommended by the Division of Water Resources;

(ii) shall consult with the Division of Water Resources for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and water use and preservation element may affect the Great Salt Lake;

(iii) shall notify the community water systems serving drinking water within the unincorporated portion of the county and request feedback from the community water systems about how implementation of the land use element and water use and preservation element may affect:

1173 (A) water supply planning, including drinking water source and storage capacity
1174 consistent with Section 19-4-114; and

1175 (B) water distribution planning, including master plans, infrastructure asset
1176 management programs and plans, infrastructure replacement plans, and impact fee facilities
1177 plans;

1178 (iv) shall consider the potential opportunities and benefits of planning for
1179 regionalization of public water systems;

1180 (v) shall consult with the Department of Agriculture and Food for information and
1181 technical resources regarding the potential benefits of agriculture conservation easements and
1182 potential implementation of agriculture water optimization projects that would support regional
1183 water conservation goals;

1184 (vi) shall notify an irrigation or canal company located in the county so that the
1185 irrigation or canal company can be involved in the protection and integrity of the irrigation or
1186 canal company's delivery systems;

1187 (vii) shall include a recommendation for:

1188 (A) water conservation policies to be determined by the county; and

1189 (B) landscaping options within a public street for current and future development that
1190 do not require the use of lawn or turf in a parkstrip;

1191 (viii) shall review the county's land use ordinances and include a recommendation for
1192 changes to an ordinance that promotes the inefficient use of water;

1193 (ix) shall consider principles of sustainable landscaping, including the:

1194 (A) reduction or limitation of the use of lawn or turf;

1195 (B) promotion of site-specific landscape design that decreases stormwater runoff or
1196 runoff of water used for irrigation;

1197 (C) preservation and use of healthy trees that have a reasonable water requirement or
1198 are resistant to dry soil conditions;

1199 (D) elimination or regulation of ponds, pools, and other features that promote
1200 unnecessary water evaporation;

1201 (E) reduction of yard waste; and

1202 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
1203 optimal amount of water to the plants being irrigated;

1204 (x) may include recommendations for additional water demand reduction strategies,
1205 including:
1206 (A) creating a water budget associated with a particular type of development;
1207 (B) adopting new or modified lot size, configuration, and landscaping standards that
1208 will reduce water demand for new single family development;
1209 (C) providing one or more water reduction incentives for existing landscapes and
1210 irrigation systems and installation of water fixtures or systems that minimize water demand;
1211 (D) discouraging incentives for economic development activities that do not adequately
1212 account for water use or do not include strategies for reducing water demand; and
1213 (E) adopting water concurrency standards requiring that adequate water supplies and
1214 facilities are or will be in place for new development; and
1215 (xi) shall include a recommendation for low water use landscaping standards for a new:
1216 (A) commercial, industrial, or institutional development;
1217 (B) common interest community, as defined in Section 57-25-102; or
1218 (C) multifamily housing project.
1219 (3) The proposed general plan may include:
1220 (a) an environmental element that addresses:
1221 (i) to the extent not covered by the county's resource management plan, the protection,
1222 conservation, development, and use of natural resources, including the quality of:
1223 (A) air;
1224 (B) forests;
1225 (C) soils;
1226 (D) rivers;
1227 (E) groundwater and other waters;
1228 (F) harbors;
1229 (G) fisheries;
1230 (H) wildlife;
1231 (I) minerals; and
1232 (J) other natural resources; and
1233 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
1234 of streams and other waters;

- 1235 (B) the regulation of the use of land on hillsides, stream channels and other
1236 environmentally sensitive areas;
- 1237 (C) the prevention, control, and correction of the erosion of soils;
- 1238 (D) the preservation and enhancement of watersheds and wetlands; and
- 1239 (E) the mapping of known geologic hazards;
- 1240 (b) a public services and facilities element showing general plans for sewage, water,
1241 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1242 police and fire protection, and other public services;
- 1243 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1244 programs for:
- 1245 (i) historic preservation;
- 1246 (ii) the diminution or elimination of a development impediment as defined in Section
1247 17C-1-102; and
- 1248 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1249 public building sites;
- 1250 (d) an economic element composed of appropriate studies and forecasts, as well as an
1251 economic development plan, which may include review of existing and projected county
1252 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1253 primary and secondary market areas, employment, and retail sales activity;
- 1254 (e) recommendations for implementing all or any portion of the general plan, including
1255 the adoption of land and water use ordinances, capital improvement plans, community
1256 development and promotion, and any other appropriate action;
- 1257 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
1258 (3)(a)(i); and
- 1259 (g) any other element the county considers appropriate.

1260 Section 19. Section 17-27a-1201 is enacted to read:

1261 **Part 12. Home Ownership Promotion Zone for Counties**

1262 **17-27a-1201. Definitions.**

1263 As used in this part:

1264 (1) "Affordable housing" means housing offered for sale at 80% or less of the median
1265 county home price for housing of that type.

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

(3) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.

(4) "Base year" means, for a proposed home ownership promotion zone area, a year beginning the first day of the calendar quarter determined by the last equalized tax roll before the adoption of the home ownership promotion zone.

(5) "Home ownership promotion zone" means a home ownership promotion zone created pursuant to this part.

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

(7) "Participation agreement" means the same as that term is defined in Section [17C-1-102](#).

(8) "Project improvements" means the same as that term is defined in Section [11-36a-102](#).

(9) "System improvements" means the same as that term is defined in Section [11-36a-102](#).

(10) "Tax commission" means the State Tax Commission created in Section [59-1-201](#).

(11) "Tax increment" means the difference between:

(a) the amount of property tax revenue generated each tax year by a taxing entity from the area within a home ownership promotion zone, using the current assessed value and each taxing entity's current certified tax rate as defined in Section [59-2-924](#); and

(b) the amount of property tax revenue that would be generated from that same area using the base taxable value and each taxing entity's current certified tax rate as defined in Section [59-2-924](#).

(12) "Taxing entity" means the same as that term is defined in Section [17C-1-102](#).

Section 20. Section **17-27a-1202** is enacted to read:

[17-27a-1202](#). County designation of a home ownership promotion zone.

(1) Subject to Sections [17-27a-1203](#) and [17-27a-1204](#), a county may create a home ownership promotion zone as described in this section.

(2) A home ownership promotion zone created under this section:

(a) is an area of 10 contiguous unincorporated acres or less located entirely within the boundaries of the county, zoned for fewer than six housing units per acre before the creation of

1297 the home ownership promotion zone;
1298 (b) shall be re-zoned for at least six housing units per acre; and
1299 (c) may not be encumbered by any residential building permits as of the day on which
1300 the home ownership promotion zone is created.
1301 (3) (a) The county shall designate the home ownership promotion zone by resolution of
1302 the legislative body of the county following:
1303 (i) the recommendation of the county planning commission; and
1304 (ii) the notification requirements described in Section [17-27a-1204](#).
1305 (b) The resolution described in Subsection (3)(a) shall describe how the home
1306 ownership promotion zone created pursuant to this section meets the objectives and
1307 requirements of Section [17-27a-1203](#).
1308 (c) The home ownership promotion zone is created on the effective date of the
1309 resolution described in Subsection (3)(a).
1310 (4) If a home ownership promotion zone is created as described in this section:
1311 (a) affected local taxing entities are required to participate according to the
1312 requirements of the home ownership promotion zone established by the county; and
1313 (b) each affected taxing entity is required to participate at the same rate.
1314 (5) A home ownership promotion zone may be modified by the same manner it is
1315 created as described in Subsection (3).
1316 (6) Within 30 days after the day on which the county creates the home ownership
1317 promotion zone as described in Subsection (3), the county shall:
1318 (a) record with the recorder a document containing:
1319 (i) a description of the land within the home ownership promotion zone; and
1320 (ii) the date of creation of the home ownership promotion zone;
1321 (b) transmit a copy of the description of the land within the home ownership promotion
1322 zone and an accurate map or plat indicating the boundaries of the home ownership promotion
1323 zone to the Utah Geospatial Resource Center created under Section [63A-16-505](#); and
1324 (c) transmit a map and description of the land within the home ownership promotion
1325 zone to:
1326 (i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any
1327 part of the home ownership promotion zone is located;

(ii) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;

(iii) the legislative body or governing board of each taxing entity impacted by the home ownership promotion zone;

(iv) the tax commission; and

(v) the State Board of Education.

(7) A county may receive tax increment and use home ownership promotion zone funds as described in Section [17-27a-1205](#).

Section 21. Section **17-27a-1203** is enacted to read:

17-27a-1203. Applicability, requirements, and limitations.

(1) A home ownership promotion zone shall promote the following objectives:

(a) increasing availability of housing, including affordable housing;

(b) promotion of home ownership;

(c) overcoming development impediments and market conditions that render an affordable housing development cost prohibitive absent the incentives resulting from a home ownership promotion zone; and

(d) conservation of water resources through efficient land use.

(2) In order to accomplish the objectives described in Subsection (1), a county shall ensure that:

(a) land inside the proposed home ownership promotion zone is zoned as residential, with at least six planned housing units per acre;

(b) at least 60% of the proposed housing units within the home ownership promotion zone are affordable housing units; and

(c) all of the proposed housing units within the home ownership promotion zone are deed restricted to require owner occupation for at least five years.

(3) A county may restrict short term rentals in a home ownership promotion zone.

(4) A county may not create a home ownership promotion zone if the area in the proposed home ownership promotion zone would overlap with:

(a) a project area, as that term is defined in Section [17C-1-102](#), and created under Title 17C, Chapter 1, Agency Operations, until the project area is dissolved pursuant to Section

17C-1-702; or

(b) an existing housing and transit reinvestment zone.

Section 22. Section **17-27a-1204** is enacted to read:

17-27a-1204. Notification prior to creation of a home ownership promotion zone.

(1) (a) As used in this section, "hearing" means a public meeting in which the legislative body of a county:

(i) considers a resolution creating a home ownership promotion zone; and

(ii) takes public comment on a proposed home ownership promotion zone.

(b) A hearing under this section may be combined with any other public meeting of a legislative body of a county.

(2) Before a county creates a home ownership promotion zone as described in Section 17-27a-1002, it shall provide notice of a hearing as described in this section.

(3) The notice required by Subsection (2) shall be given by:

(a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the legislative body of the county intends to have a hearing;

(b) at least 30 days before the hearing, mailing notice to:

(i) each record owner of property located within the proposed home ownership promotion zone;

(ii) the State Tax Commission; and

(iii) (A) if the proposed home ownership promotion zone is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or

(B) if the proposed home ownership promotion zone is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the proposed home ownership promotion zone.

(4) The mailing of the notice to record property owners required under Subsection (3)(b) shall be conclusively considered to have been properly completed if:

(a) the county mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and

(b) the county recorder's office records used by the agency in identifying owners to

whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.

(5) The county shall include in each notice required under this section:

(a) (i) a boundary description of the proposed home ownership promotion zone; or

(ii) (A) a mailing address or telephone number where a person may request that a copy of the boundary description of the proposed home ownership promotion zone be sent at no cost to the person by mail, email, or facsimile transmission; and

(B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description of the proposed home ownership promotion zone;

(b) a map of the boundaries of the proposed home ownership promotion zone;

(c) an explanation of the purpose of the hearing; and

(d) a statement of the date, time, and location of the hearing.

(6) The county shall include in each notice under Subsection (3)(b):

(a) a statement that property tax revenue resulting from an increase in valuation of property within the proposed home ownership promotion zone will be paid to the county for proposed home ownership promotion zone development rather than to the taxing entity to which the tax revenue would otherwise have been paid; and

(b) an invitation to the recipient of the notice to submit to the county comments concerning the subject matter of the hearing before the date of the hearing.

(7) A county may include in a notice under Subsection (2) any other information the county considers necessary or advisable, including the public purpose achieved by the proposed home ownership promotion zone.

Section 23. Section **17-27a-1205** is enacted to read:

17-27a-1205. Payment, use, and administration of revenue from a home ownership promotion zone.

(1) (a) A county may receive tax increment and use home ownership promotion zone funds in accordance with this section.

(b) The maximum amount of time that a county may receive and use tax increment pursuant to a home ownership promotion zone is 15 consecutive years.

(2) A county that collects property tax on property located within a home ownership

promotion zone shall, in accordance with Section [59-2-1365](#), retain 60% of the tax increment collected from property within the home ownership promotion zone to be used as described in this section.

(3) (a) Tax increment retained by a county in accordance with Subsection (2) is not revenue of the taxing entity or county, but home ownership promotion zone funds.

(b) Home ownership promotion zone funds may be administered by an agency created by the county within which the home ownership promotion zone is located.

(c) Before an agency may receive home ownership promotion zone funds from a county, the agency shall enter into an interlocal agreement with the county.

(4) (a) A county or agency shall use home ownership promotion zone funds within, or for the direct benefit of, the home ownership promotion zone.

(b) If any home ownership promotion zone funds will be used outside of the home ownership promotion zone, the legislative body of the county shall make a finding that the use of the home ownership promotion zone funds outside of the home ownership promotion zone will directly benefit the home ownership promotion zone.

(5) A county or agency shall use home ownership promotion zone funds to achieve the purposes described in Section [17-27a-1203](#) by paying all or part of the costs of any of the following:

(a) project improvement costs;

(b) systems improvement costs;

(c) property acquisition costs within the home ownership promotion zone; or

(d) the costs of the county to create and administer the home ownership promotion zone, which may not exceed 3% of the total home ownership promotion zone funds.

(6) Home ownership promotion zone funds may be paid to a participant, if the county and participant enter into a participation agreement which requires the participant to utilize the home ownership promotion zone funds as allowed in this section.

(7) Home ownership promotion zone funds may be used to pay all of the costs of bonds issued by the county in accordance with Title 17C, Chapter 1, Part 5, Agency Bonds, including the cost to issue and repay the bonds including interest.

(8) A county may:

(a) create one or more public infrastructure districts within home ownership promotion

zone under Title 17D, Chapter 4, Public Infrastructure District Act; and

(b) pledge and utilize the home ownership promotion zone funds to guarantee the payment of public infrastructure bonds issued by a public infrastructure district.

Section 24. Section **35A-8-503** is amended to read:

35A-8-503. Housing loan fund board -- Duties -- Expenses.

(1) There is created the Olene Walker Housing Loan Fund Board.

(2) The board is composed of ~~[13]~~ 14 voting members.

(a) The governor shall appoint the following members to four-year terms:

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

(A) one member shall be a locally elected official who resides in a county of the first or second class; and

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

(ii) two members from the mortgage lending community, of which:

(A) one member shall have expertise in single-family mortgage lending; and

(B) one member shall have expertise in multi-family mortgage lending;

(iii) one member from real estate sales interests;

(iv) two members from home builders interests, of which:

(A) one member shall have expertise in single-family residential construction; and

(B) one member shall have expertise in multi-family residential construction;

(v) one member from rental housing interests;

(vi) two members from housing advocacy interests, of which:

(A) one member who resides within any area in a county of the first or second class; and

(B) one member who resides within any area in a county of the third, fourth, fifth, or sixth class;

(vii) one member of the manufactured housing interest;

(viii) one member with expertise in transit-oriented developments; ~~[and]~~

(ix) one member who represents rural interests~~[-];~~ and

(x) one member who represents the interests of modular housing.

(b) The director or the director's designee serves as the secretary of the board.

1483 (c) The members of the board shall annually elect a chair from among the voting
1484 membership of the board.

1485 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
1486 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1487 board members are staggered so that approximately half of the board is appointed every two
1488 years.

1489 (b) When a vacancy occurs in the membership for any reason, the replacement is
1490 appointed for the unexpired term.

1491 (4) (a) The board shall:

1492 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by
1493 the board;

1494 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to
1495 provide information to and receive input from the public regarding the state's housing policies
1496 and needs;

1497 (iii) keep minutes of its meetings; and

1498 (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open and
1499 Public Meetings Act.

1500 (b) Seven members of the board constitute a quorum, and the governor, the chair, or a
1501 majority of the board may call a meeting of the board.

1502 (5) The board shall:

1503 (a) review the housing needs in the state;

1504 (b) determine the relevant operational aspects of any grant, loan, or revenue collection
1505 program established under the authority of this chapter;

1506 (c) determine the means to implement the policies and goals of this chapter;

1507 (d) select specific projects to receive grant or loan money; and

1508 (e) determine how fund money shall be allocated and distributed.

1509 (6) A member may not receive compensation or benefits for the member's service, but
1510 may receive per diem and travel expenses in accordance with:

1511 (a) Section 63A-3-106;

1512 (b) Section 63A-3-107; and

1513 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

63A-3-107.

Section 25. Section **57-1-46** is amended to read:

57-1-46. Transfer fee and reinvestment fee covenants.

(1) As used in this section:

(a) "Association expenses" means expenses incurred by a common interest association for:

(i) the administration of the common interest association;

(ii) the purchase, ownership, leasing, construction, operation, use, administration, maintenance, improvement, repair, or replacement of association facilities, including expenses for taxes, insurance, operating reserves, capital reserves, and emergency funds;

(iii) providing, establishing, creating, or managing a facility, activity, service, or program for the benefit of property owners, tenants, common areas, the burdened property, or property governed by the common interest association; or

(iv) other facilities, activities, services, or programs that are required or permitted under the common interest association's organizational documents.

(b) "Association facilities" means any real property, improvements on real property, or personal property owned, leased, constructed, developed, managed, or used by a common interest association, including common areas.

(c) "Burdened property" means the real property that is subject to a reinvestment fee covenant or transfer fee covenant.

(d) "Common areas" means areas described within:

(i) the definition of "common areas and facilities" under Section [57-8-3](#); and

(ii) the definition of "common areas" under Section [57-8a-102](#).

(e) "Common interest association":

(i) means:

(A) an association, as defined in Section [57-8a-102](#);

(B) an association of unit owners, as defined in Section [57-8-3](#); or

(C) a nonprofit association; and

(ii) includes a person authorized by an association, association of unit owners, or nonprofit association, as the case may be.

(f) "Large master planned development" means an approved development:

- 1545 (i) of at least 500 acres or 500 units; and
1546 (ii) that includes a commitment to fund, construct, develop, or maintain:
1547 (A) common infrastructure;
1548 (B) association facilities;
1549 (C) community programming;
1550 (D) resort facilities;
1551 (E) open space; or
1552 (F) recreation amenities.
- 1553 (g) "Nonprofit association" means a nonprofit corporation organized under Title 16,
1554 Chapter 6a, Utah Revised Nonprofit Corporation Act, to benefit, enhance, preserve, govern,
1555 manage, or maintain burdened property.
- 1556 (h) "Organizational documents":
1557 (i) for an association, as defined in Section 57-8a-102, means governing documents as
1558 defined in Section 57-8a-102;
1559 (ii) for an association of unit owners, as defined in Section 57-8-3, means a declaration
1560 as defined in Section 57-8-3; and
- 1561 (iii) for a nonprofit association:
1562 (A) means a written instrument by which the nonprofit association exercises powers or
1563 manages, maintains, or otherwise affects the property under the jurisdiction of the nonprofit
1564 association; and
1565 (B) includes articles of incorporation, bylaws, plats, charters, the nonprofit
1566 association's rules, and declarations of covenants, conditions, and restrictions.
- 1567 (i) "Reinvestment fee covenant" means a covenant, restriction, or agreement that:
1568 (i) affects real property; and
1569 (ii) obligates a future buyer or seller of the real property to pay to a common interest
1570 association, upon and as a result of a transfer of the real property, a fee that is dedicated to
1571 benefitting the burdened property, including payment for:
1572 (A) common planning, facilities, and infrastructure;
1573 (B) obligations arising from an environmental covenant;
1574 (C) community programming;
1575 (D) resort facilities;

1576 (E) open space;
1577 (F) recreation amenities;
1578 (G) charitable purposes; or
1579 (H) association expenses.
1580 (j) "Transfer fee covenant":
1581 (i) means an obligation, however denominated, expressed in a covenant, restriction,
1582 agreement, or other instrument or document:
1583 (A) that affects real property;
1584 (B) that is imposed on a future buyer or seller of real property, other than a person who
1585 is a party to the covenant, restriction, agreement, or other instrument or document; and
1586 (C) to pay a fee upon and as a result of a transfer of the real property; and
1587 (ii) does not include:
1588 (A) an obligation imposed by a court judgment, order, or decree;
1589 (B) an obligation imposed by the federal government or a state or local government
1590 entity; or
1591 (C) a reinvestment fee covenant.
1592 (2) A transfer fee covenant recorded on or after March 16, 2010 is void and
1593 unenforceable.
1594 (3) (a) Except as provided in Subsection (3)(b), a reinvestment fee covenant may not
1595 be sold, assigned, or conveyed unless the sale, assignment, or conveyance is to a common
1596 interest association that was formed to benefit the burdened property.
1597 (b) A common interest association may assign or pledge to a lender the right to receive
1598 payment under a reinvestment fee covenant if:
1599 (i) the assignment or pledge is as collateral for a credit facility; and
1600 (ii) the lender releases the collateral interest upon payment in full of all amounts that
1601 the common interest association owes to the lender under the credit facility.
1602 (4) A reinvestment fee covenant recorded on or after March 16, 2010 is not enforceable
1603 if the reinvestment fee covenant is intended to affect property that is the subject of a previously
1604 recorded transfer fee covenant or reinvestment fee covenant.
1605 (5) A reinvestment fee covenant recorded on or after March 16, 2010 may not obligate
1606 the payment of a fee that exceeds .5% of the value of the burdened property, unless the

1607 burdened property is part of a large master planned development.

1608 (6) (a) A reinvestment fee covenant recorded on or after March 16, 2010 is void and
1609 unenforceable unless a notice of reinvestment fee covenant, separate from the reinvestment fee
1610 covenant, is recorded in the office of the recorder of each county in which any of the burdened
1611 property is located.

1612 (b) A notice under Subsection (6)(a) shall:

1613 (i) state the name and address of the common interest association to which the fee
1614 under the reinvestment fee covenant is required to be paid;

1615 (ii) include the notarized signature of the common interest association's authorized
1616 representative;

1617 (iii) state that the burden of the reinvestment fee covenant is intended to run with the
1618 land and to bind successors in interest and assigns;

1619 (iv) state that the existence of the reinvestment fee covenant precludes the imposition
1620 of an additional reinvestment fee covenant on the burdened property;

1621 (v) state the duration of the reinvestment fee covenant;

1622 (vi) state the purpose of the fee required to be paid under the reinvestment fee
1623 covenant; and

1624 (vii) state that the fee required to be paid under the reinvestment fee covenant is
1625 required to benefit the burdened property.

1626 (c) A recorded notice of reinvestment fee covenant that substantially complies with the
1627 requirements of Subsection (6)(b) is valid and effective.

1628 (7) (a) A reinvestment fee covenant or transfer fee covenant recorded before March 16,
1629 2010 is not enforceable after May 31, 2010, unless:

1630 (i) a notice that is consistent with the notice described in Subsection (6) is recorded in
1631 the office of the recorder of each county in which any of the burdened property is located; or

1632 (ii) a notice of reinvestment fee covenant or transfer fee covenant, as described in
1633 Subsection (7)(b), is recorded in the office of the recorder of each county in which any of the
1634 burdened property is located.

1635 (b) A notice under Subsection (7)(a)(ii) shall:

1636 (i) include the notarized signature of the beneficiary of the reinvestment fee covenant
1637 or transfer fee covenant, or the beneficiary's authorized representative;

(ii) state the name and current address of the beneficiary under the reinvestment fee covenant or transfer fee covenant;

(iii) state that the burden of the reinvestment fee covenant or transfer fee covenant is intended to run with the land and to bind successors in interest and assigns; and

(iv) state the duration of the reinvestment fee covenant or transfer fee covenant.

(c) A recorded notice of reinvestment fee covenant or transfer fee covenant that substantially complies with the requirements of Subsection (7)(b) is valid and effective.

(d) A notice under Subsection (7)(b):

(i) that is recorded after May 31, 2010, is not enforceable; and

(ii) shall comply with the requirements of Section 57-1-47.

(e) An amendment to a notice under Subsection (7)(b) recorded after May 31, 2010, seeking to amend a notice under Subsection (7)(b) recorded before May 31, 2010, is not an enforceable amendment.

(8) A reinvestment fee covenant recorded on or after March 16, 2010, may not be enforced upon:

(a) an involuntary transfer;

(b) a transfer that results from a court order;

(c) a bona fide transfer to a family member of the seller within three degrees of consanguinity who, before the transfer, provides adequate proof of consanguinity;

(d) a transfer or change of interest due to death, whether provided in a will, trust, or decree of distribution; or

(e) the transfer of burdened property by a financial institution, except to the extent that the reinvestment fee covenant requires the payment of a common interest association's costs directly related to the transfer of the burdened property, not to exceed \$250.

Section 26. Section 57-1-47 is enacted to read:

57-1-47. Notice requirements for continuation of existing private transfer fee obligations.

(1) In addition to the requirements described in Subsection 57-1-46(7), a person required to file a notice under this section shall:

(a) (i) file the notice described in this section on or before May 31, 2024; and

(ii) re-file the notice, no earlier than May 1 and no later than May 31, every three years

thereafter; and

(b) amend the notice to reflect any change in the name or address of any payee included in the notice no later than the 30 days after the day on which the change occurs.

(2) A person who amends a notice filed under Subsection (1) shall include with the amendment:

(a) the recording information of the original notice; and

(b) the legal description of the property subject to the private transfer fee obligation.

(3) To be effective, a notice filed under this section shall be approved in writing by every person holding a majority of the beneficial interests in the private transfer fee obligation.

(4) If a person required to file a notice under this section fails to comply with this section:

(a) payment of the private transfer fee may not be a requirement for the conveyance of an interest in the property to a purchaser;

(b) the property is not subject to further obligation under the private transfer fee obligation; and

(c) the private transfer fee obligation is void.

(5) A recorded notice of transfer fee covenant that complies with the requirements of this section is valid and effective.

(6) (a) A person that is no longer subject to a private transfer fee obligation may seek declaratory relief in court to address any encumbrance on real property owned by the person.

(b) Upon a successful claim for declaratory relief, as described in Subsection (6)(a), a court may award the person costs and reasonable attorney fees.

Section 27. Section **59-2-924** is amended to read:

59-2-924. Definitions -- Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the commission.

(1) As used in this section:

(a) (i) "Ad valorem property tax revenue" means revenue collected in accordance with this chapter.

(ii) "Ad valorem property tax revenue" does not include:

- 1700 (A) interest;
- 1701 (B) penalties;
- 1702 (C) collections from redemptions; or
- 1703 (D) revenue received by a taxing entity from personal property that is semiconductor
- 1704 manufacturing equipment assessed by a county assessor in accordance with Part 3, County
- 1705 Assessment.
- 1706 (b) "Adjusted tax increment" means the same as that term is defined in Section
- 1707 [17C-1-102](#).
- 1708 (c) (i) "Aggregate taxable value of all property taxed" means:
- 1709 (A) the aggregate taxable value of all real property a county assessor assesses in
- 1710 accordance with Part 3, County Assessment, for the current year;
- 1711 (B) the aggregate taxable value of all real and personal property the commission
- 1712 assesses in accordance with Part 2, Assessment of Property, for the current year; and
- 1713 (C) the aggregate year end taxable value of all personal property a county assessor
- 1714 assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls
- 1715 of the taxing entity.
- 1716 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year
- 1717 end taxable value of personal property that is:
- 1718 (A) semiconductor manufacturing equipment assessed by a county assessor in
- 1719 accordance with Part 3, County Assessment; and
- 1720 (B) contained on the prior year's tax rolls of the taxing entity.
- 1721 (d) "Base taxable value" means:
- 1722 (i) for an authority created under Section [11-58-201](#), the same as that term is defined in
- 1723 Section [11-58-102](#);
- 1724 (ii) for the Point of the Mountain State Land Authority created in Section [11-59-201](#),
- 1725 the same as that term is defined in Section [11-59-207](#);
- 1726 (iii) for an agency created under Section [17C-1-201.5](#), the same as that term is defined
- 1727 in Section [17C-1-102](#);
- 1728 (iv) for an authority created under Section [63H-1-201](#), the same as that term is defined
- 1729 in Section [63H-1-102](#);
- 1730 (v) for a host local government, the same as that term is defined in Section [63N-2-502](#);

[or]

(vi) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section

[63N-3-602](#)[-]; or

(vii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section [10-9a-1001](#) or Section [17-27a-1201](#).

(e) "Centrally assessed benchmark value" means an amount equal to the highest year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for a previous calendar year that begins on or after January 1, 2015, adjusted for taxable value attributable to:

(i) an annexation to a taxing entity;

(ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property; or

(iii) a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

(f) (i) "Centrally assessed new growth" means the greater of:

(A) zero; or

(B) the amount calculated by subtracting the centrally assessed benchmark value adjusted for prior year end incremental value from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value.

(ii) "Centrally assessed new growth" does not include a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

(g) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

1762 (h) "Community reinvestment agency" means the same as that term is defined in
1763 Section 17C-1-102.

1764 (i) "Eligible new growth" means the greater of:

1765 (i) zero; or

1766 (ii) the sum of:

1767 (A) locally assessed new growth;

1768 (B) centrally assessed new growth; and

1769 (C) project area new growth or hotel property new growth.

1770 (j) "Host local government" means the same as that term is defined in Section
1771 63N-2-502.

1772 (k) "Hotel property" means the same as that term is defined in Section 63N-2-502.

1773 (l) "Hotel property new growth" means an amount equal to the incremental value that
1774 is no longer provided to a host local government as incremental property tax revenue.

1775 (m) "Incremental property tax revenue" means the same as that term is defined in
1776 Section 63N-2-502.

1777 (n) "Incremental value" means:

1778 (i) for an authority created under Section 11-58-201, the amount calculated by
1779 multiplying:

1780 (A) the difference between the taxable value and the base taxable value of the property
1781 that is located within a project area and on which property tax differential is collected; and

1782 (B) the number that represents the percentage of the property tax differential that is
1783 paid to the authority;

1784 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
1785 an amount calculated by multiplying:

1786 (A) the difference between the current assessed value of the property and the base
1787 taxable value; and

1788 (B) the number that represents the percentage of the property tax augmentation, as
1789 defined in Section 11-59-207, that is paid to the Point of the Mountain State Land Authority;

1790 (iii) for an agency created under Section 17C-1-201.5, the amount calculated by
1791 multiplying:

1792 (A) the difference between the taxable value and the base taxable value of the property

1793 located within a project area and on which tax increment is collected; and
1794 (B) the number that represents the adjusted tax increment from that project area that is
1795 paid to the agency;
1796 (iv) for an authority created under Section 63H-1-201, the amount calculated by
1797 multiplying:
1798 (A) the difference between the taxable value and the base taxable value of the property
1799 located within a project area and on which property tax allocation is collected; and
1800 (B) the number that represents the percentage of the property tax allocation from that
1801 project area that is paid to the authority;
1802 (v) for a housing and transit reinvestment zone created pursuant to Title 63N, Chapter
1803 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by multiplying:
1804 (A) the difference between the taxable value and the base taxable value of the property
1805 that is located within a housing and transit reinvestment zone and on which tax increment is
1806 collected; and
1807 (B) the number that represents the percentage of the tax increment that is paid to the
1808 housing and transit reinvestment zone;
1809 (vi) for a host local government, an amount calculated by multiplying:
1810 (A) the difference between the taxable value and the base taxable value of the hotel
1811 property on which incremental property tax revenue is collected; and
1812 (B) the number that represents the percentage of the incremental property tax revenue
1813 from that hotel property that is paid to the host local government; [or]
1814 (vii) for the State Fair Park Authority created in Section 11-68-201, the taxable value
1815 of:
1816 (A) fair park land, as defined in Section 11-68-101, that is subject to a privilege tax
1817 under Section 11-68-402; or
1818 (B) personal property located on property that is subject to the privilege tax described
1819 in Subsection (1)(n)(vii)(A)[-]; or
1820 (viii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part
1821 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12,
1822 Home Ownership Promotion Zone for Counties, an amount calculated by multiplying:
1823 (A) the difference between the taxable value and the base taxable value of the property

1824 that is located within a home ownership promotion zone and on which tax increment is
1825 collected; and

1826 (B) the number that represents the percentage of the tax increment that is paid to the
1827 home ownership promotion zone.

1828 (o) (i) "Locally assessed new growth" means the greater of:

1829 (A) zero; or

1830 (B) the amount calculated by subtracting the year end taxable value of real property the
1831 county assessor assesses in accordance with Part 3, County Assessment, for the previous year,
1832 adjusted for prior year end incremental value from the taxable value of real property the county
1833 assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted
1834 for current year incremental value.

1835 (ii) "Locally assessed new growth" does not include a change in:

1836 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or
1837 another adjustment;

1838 (B) assessed value based on whether a property is allowed a residential exemption for a
1839 primary residence under Section 59-2-103;

1840 (C) assessed value based on whether a property is assessed under Part 5, Farmland
1841 Assessment Act; or

1842 (D) assessed value based on whether a property is assessed under Part 17, Urban
1843 Farming Assessment Act.

1844 (p) "Project area" means:

1845 (i) for an authority created under Section 11-58-201, the same as that term is defined in
1846 Section 11-58-102;

1847 (ii) for an agency created under Section 17C-1-201.5, the same as that term is defined
1848 in Section 17C-1-102; or

1849 (iii) for an authority created under Section 63H-1-201, the same as that term is defined
1850 in Section 63H-1-102.

1851 (q) "Project area new growth" means:

1852 (i) for an authority created under Section 11-58-201, an amount equal to the
1853 incremental value that is no longer provided to an authority as property tax differential;

1854 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,

an amount equal to the incremental value that is no longer provided to the Point of the Mountain State Land Authority as property tax augmentation, as defined in Section 11-59-207;

(iii) for an agency created under Section 17C-1-201.5, an amount equal to the incremental value that is no longer provided to an agency as tax increment;

(iv) for an authority created under Section 63H-1-201, an amount equal to the incremental value that is no longer provided to an authority as property tax allocation; [or]

(v) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that is no longer provided to a housing and transit reinvestment zone as tax increment[.]; or

(vi) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties, an amount equal to the incremental value that is no longer provided to a home ownership promotion zone as tax increment.

(r) "Project area incremental revenue" means the same as that term is defined in Section 17C-1-1001.

(s) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.

(t) "Property tax differential" means the same as that term is defined in Section 11-58-102.

(u) "Qualifying exempt revenue" means revenue received:

(i) for the previous calendar year;

(ii) by a taxing entity;

(iii) from tangible personal property contained on the prior year's tax rolls that is exempt from property tax under Subsection 59-2-1115(2)(b) for a calendar year beginning on January 1, 2022; and

(iv) on the aggregate 2021 year end taxable value of the tangible personal property that exceeds \$15,300.

(v) "Tax increment" means:

(i) for a project created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102; [or]

(ii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,

Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section 63N-3-602[-]; or

(iii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties, the same as that term is defined in Section 10-9a-1001 or Section 17-27a-1201.

(2) Before June 1 of each year, the county assessor of each county shall deliver to the county auditor and the commission the following statements:

(a) a statement containing the aggregate valuation of all taxable real property a county assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and

(b) a statement containing the taxable value of all personal property a county assessor assesses in accordance with Part 3, County Assessment, from the prior year end values.

(3) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:

(a) the statements described in Subsections (2)(a) and (b);

(b) an estimate of the revenue from personal property;

(c) the certified tax rate; and

(d) all forms necessary to submit a tax levy request.

(4) (a) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the prior year minus the qualifying exempt revenue by the amount calculated under Subsection (4)(b).

(b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall calculate an amount as follows:

(i) calculate for the taxing entity the difference between:

(A) the aggregate taxable value of all property taxed; and

(B) any adjustments for current year incremental value;

(ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year;

(iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product of:

(A) the amount calculated under Subsection (4)(b)(ii); and

(B) the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and

(iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount determined by:

(A) multiplying the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year by eligible new growth; and

(B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under Subsection (4)(b)(iii).

(5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:

(a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified tax rate is zero;

(b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:

(i) in a county of the first, second, or third class, the levy imposed for municipal-type services under Sections 17-34-1 and 17-36-9; and

(ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and such other levies imposed solely for the municipal-type services identified in Section 17-34-1 and Subsection 17-36-3(23);

(c) for a community reinvestment agency that received all or a portion of a taxing entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4) except that the commission shall treat the total revenue transferred to the community reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the prior year; and

(d) for debt service voted on by the public, the certified tax rate is the actual levy imposed by that section, except that a certified tax rate for the following levies shall be calculated in accordance with Section 59-2-913 and this section:

(i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and

1948 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative
1949 orders under Section 59-2-1602.

1950 (6) (a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be
1951 imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more
1952 eligible judgments.

1953 (b) The ad valorem property tax revenue generated by a judgment levy described in
1954 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax
1955 rate.

1956 (7) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

1957 (i) the taxable value of real property:

1958 (A) the county assessor assesses in accordance with Part 3, County Assessment; and

1959 (B) contained on the assessment roll;

1960 (ii) the year end taxable value of personal property:

1961 (A) a county assessor assesses in accordance with Part 3, County Assessment; and

1962 (B) contained on the prior year's assessment roll; and

1963 (iii) the taxable value of real and personal property the commission assesses in

1964 accordance with Part 2, Assessment of Property.

1965 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new
1966 growth.

1967 (8) (a) On or before June 30, a taxing entity shall annually adopt a tentative budget.

1968 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall
1969 notify the county auditor of:

1970 (i) the taxing entity's intent to exceed the certified tax rate; and

1971 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.

1972 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
1973 exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

1974 (9) (a) Subject to Subsection (9)(d), the commission shall provide notice, through
1975 electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim
1976 Committee if:

1977 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end
1978 taxable value of the real and personal property the commission assesses in accordance with

1979 Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental
1980 value; and

1981 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end
1982 taxable value of the real and personal property of a taxpayer the commission assesses in
1983 accordance with Part 2, Assessment of Property, for the previous year.

1984 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
1985 subtracting the taxable value of real and personal property the commission assesses in
1986 accordance with Part 2, Assessment of Property, for the current year, adjusted for current year
1987 incremental value, from the year end taxable value of the real and personal property the
1988 commission assesses in accordance with Part 2, Assessment of Property, for the previous year,
1989 adjusted for prior year end incremental value.

1990 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
1991 subtracting the total taxable value of real and personal property of a taxpayer the commission
1992 assesses in accordance with Part 2, Assessment of Property, for the current year, from the total
1993 year end taxable value of the real and personal property of a taxpayer the commission assesses
1994 in accordance with Part 2, Assessment of Property, for the previous year.

1995 (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet
1996 the requirement under Subsection (9)(a)(ii).

1997 Section 28. Section **63H-8-501** is amended to read:

1998 **63H-8-501. Definitions.**

1999 As used in this part:

2000 (1) (a) "First-time homebuyer" means an individual who ~~[qualifies for assistance under~~
2001 ~~42 U.S.C. Sec. 12852.]~~ satisfies:

2002 (i) the three-year requirement described in Section 143(d) of the Internal Revenue Code
2003 of 1986, as amended, and any corresponding federal regulations; and

2004 (ii) requirements made by the corporation by rule, as described in Section [63H-8-502](#).

2005 (b) "First-time homebuyer" includes a single parent, as defined by the corporation by
2006 rule made as described in Section [63H-8-502](#), who would meet the three-year requirement
2007 described in Subsection (1)(a)(i) but for a present ownership interest in a principal residence in
2008 which the single parent:

2009 (i) had a present ownership interest with the single parent's former spouse during the

2010 three-year period;
2011 (ii) resided while married during the three-year period; and
2012 (iii) no longer:
2013 (A) has a present ownership interest; or
2014 (B) resides.
2015 (2) "Home equity amount" means the difference between:
2016 (a) (i) in the case of a sale, the sales price for which the qualifying residential unit is
2017 sold by the recipient in a bona fide sale to a third party with no right to repurchase less an
2018 amount up to 1% of the sales price used for seller-paid closing costs; or
2019 (ii) in the case of a refinance, the current appraised value of the qualifying residential
2020 unit; and
2021 (b) the total payoff amount of any qualifying mortgage loan that was used to finance
2022 the purchase of the qualifying residential unit.
2023 (3) "Program" means the First-Time Homebuyer Assistance Program created in Section
2024 [63H-8-502](#).
2025 (4) "Program funds" means money appropriated for the program.
2026 (5) "Qualifying mortgage loan" means a mortgage loan that:
2027 (a) is purchased by the corporation; and
2028 (b) is subject to a document that is recorded in the office of the county recorder of the
2029 county in which the residential unit is located.
2030 (6) "Qualifying residential unit" means a residential unit that:
2031 (a) is located in the state;
2032 (b) is new construction or newly constructed but not yet inhabited;
2033 (c) is financed by a qualifying mortgage loan;
2034 (d) is owner-occupied ~~upon~~ within 60 days of purchase, or in the case of a two-unit
2035 dwelling, at least one unit is owner-occupied within 60 days of purchase; and
2036 (e) is purchased for an amount that does not exceed:
2037 (i) \$450,000; or
2038 (ii) if applicable, the maximum purchase price established by the corporation under
2039 Subsection [63H-8-502\(6\)](#).
2040 (7) "Recipient" means a first-time homebuyer who receives program funds.

(8) (a) "Residential unit" means a house, condominium, townhome, or similar residential structure that serves as a one-unit dwelling or forms part of a two-unit dwelling.

(b) "Residential unit" includes a manufactured home or modular home that is attached to a permanent foundation.

Section 29. Section **63H-8-502** is amended to read:

63H-8-502. First-Time Homebuyer Assistance Program.

(1) There is created the First-Time Homebuyer Assistance Program administered by the corporation.

(2) Subject to appropriations from the Legislature, the corporation shall distribute program funds to:

(a) first-time homebuyers to provide support for the purchase of qualifying residential units; and

(b) reimburse the corporation for a distribution of funds under Subsection (2)(a) that took place on or after July 1, 2023.

(3) The maximum amount of program funds that a first-time homebuyer may receive under the program is \$20,000.

(4) (a) A recipient may use program funds to pay for:

(i) the down payment on a qualifying residential unit;

(ii) closing costs associated with the purchase of a qualifying residential unit;

(iii) a permanent reduction in the advertised par interest rate on a qualifying mortgage loan that is used to finance a qualifying residential unit; or

(iv) any combination of Subsections (4)(a)(i), (ii), and (iii).

(b) The corporation shall direct the disbursement of program funds for a purpose authorized in Subsection (4)(a).

(c) A recipient may not receive a payout or distribution of program funds upon closing.

(5) The builder or developer of a qualifying residential unit may not increase the price of the qualifying residential unit on the basis of program funds being used towards the purchase of that qualifying residential unit.

(6) (a) In accordance with rules made by the corporation under Subsection (9), the corporation may adjust the maximum purchase price of a qualifying residential unit for which a first-time homebuyer qualifies to receive program funds in order to reflect current market

conditions[, ~~provided that~~].

(b) In connection with an adjustment made under Subsection (6)(a), the corporation may establish one or more maximum purchase prices corresponding by residential unit type, geographic location, or any other factor the corporation considers relevant.

(c) ~~[the]~~ The corporation [adjusts the] may adjust a maximum purchase price under this Subsection (6) no more frequently than once each calendar year.

(7) (a) ~~[H]~~ Except as provided in Subsection (7)(b), if the recipient sells the qualifying residential unit or refinances the qualifying mortgage loan that was used to finance the purchase of the qualifying residential unit before the end of the original term of the qualifying mortgage loan, the recipient shall repay to the corporation an amount equal to the lesser of:

~~[(a)]~~ (i) the amount of program funds the recipient received; or

~~[(b)]~~ (ii) 50% of the recipient's home equity amount.

(b) Subsection (7)(a) does not apply to a qualifying mortgage loan that is refinanced with a new qualifying mortgage loan if any subordinate qualifying mortgage loan, or loan from program funds used on the purchase of the qualifying residential unit, is resubordinated only to the new qualifying mortgage loan.

(8) Any funds repaid to the corporation under Subsection (7) shall be used for program distributions.

(9) The corporation shall make rules governing the application form, process, and criteria the corporation will use to distribute program funds to first-time homebuyers, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(10) The corporation may use up to 5% of program funds for administration.

(11) The corporation shall report annually to the Social Services Appropriations Subcommittee on disbursements from the program and any adjustments made to the maximum purchase price or maximum purchase prices of a qualifying residential unit under Subsection (6).

Section 30. **Effective date.**

This bill takes effect on May 1, 2024.

Section 31. **Retrospective operation.**

(1) The following sections have retrospective operation to July 1, 2023:

(a) Section [63H-8-501](#); and

2103

(b) Section [63H-8-502](#).