



# Moderate Income Housing Element for a General Plan

## OUTLINE



### Introduction

- Purpose of the Plan
- Description of how the moderate income housing plan fits within the context of the community's general plan and how the cooperation of jurisdiction departments will facilitate the accomplishment of goals outlined in the plan
- Discussion of how the community's planning efforts fit within the context of regional planning efforts and the coordination that has taken place between the jurisdiction and other entities in the development of the moderate income housing plan
- Background information about the community (growth patterns, community sentiments towards housing, local economy, etc.)

## CURRENT POPULATION

- Demographic data from the most recent U.S. Census or American Community Survey
  - This can be supplemented with any jurisdictional annual surveys
- Summary of how the population has changed over the past five to ten years
- Number of households within targeted income groups (< 80% AMI, < 50% AMI, and < 30% AMI)

## CURRENT HOUSING STOCK

- Total number of housing units
- Breakdown of housing units by:
  - Occupancy (renter-occupied or owner-occupied)
  - Size (number of bedrooms)
  - ADUs (number of internal and detached units)
  - Quality ("new," "dilapidated," etc.)
- Affordability of existing housing stock for targeted income groups

## **CURRENT MODERATE INCOME HOUSING AVAILABILITY AND NEED**

- Availability of existing housing stock for targeted income groups and number of additional units needed
- Availability of moderate income housing for different races and ethnic groups and number of additional units needed
- Availability of moderate income housing for different special needs groups (homeless, disabled, veterans, elderly, youth aging out of foster care, victims of domestic violence, etc.) and number of additional units needed
- Availability of a variety of housing sizes and number of additional units needed

## **5-YEAR AND 10-YEAR POPULATION PROJECTIONS**

- Low, medium, and high population projections for the next five and ten years
- Estimate of percentage of the population that will fall within targeted income levels and special needs groups over the next five and ten years

## **FORECAST OF MODERATE INCOME HOUSING NEED**

- Comparison of projected population growth and expected housing construction for the next five and ten years
- Estimate of the number of housing units needed by residents within targeted income levels and special needs groups for the next five and ten years

## **REGULATORY ENVIRONMENT**

- Analysis of how current zoning regulations and land uses impact the availability of moderate income housing
- Discussion of any potential barriers to moderate income housing or Fair Housing

## **PLANS TO MEET THE MODERATE INCOME HOUSING NEED**

- Goals, strategies, and actions designed to:
  - Strategically meet current and forecasted moderate income housing needs
  - Eliminate regulatory barriers to moderate income housing
  - Preserve and improve existing moderate income housing
- Strategies should include at a minimum the number of required strategies from the UCA listed strategies
  - Jurisdictions can exceed the minimum number
  - Jurisdictions may also include additional, creative strategies once the minimum state-listed strategies have been incorporated

- Forecasting for moderate income housing:
  - Number of moderate income housing units to be built
  - Possible locations for new moderate income housing units
- Implementation plan for each strategy with the following:
  - A timeline
    - ← Provide flexibility in timing in case outside factors impact the implementation timing
    - ← Identify the measures and benchmarks to be achieved, one-time and ongoing
- Responsible party(ies)
- Community resources that can be used to support the implementation (RDA/EDA housing set-aside funds, fee waivers, local CDBG funds, donated land, etc.)

# Moderate Income Housing Reporting Criteria in the Utah Code

(Updated: May 2022)

## Municipal Land Use Code

### Definitions - UCA 10-9a-103

- (40) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.
- (49) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:
  - (a) an estimate of the existing supply of moderate income housing located within the municipality;
  - (b) an estimate of the need for moderate income housing in the municipality for the next five years;
  - (c) a survey of total residential land use;
  - (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
  - (e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

### General Plan Requirement - UCA 10-9a-401(3)

- (a) The general plan of a specified municipality, as defined in Section 10-9a-408, shall include a moderate income housing element that meets the requirements of Subsection 10-9a-403(2)(a)(iii).
- (b) On or before October 1, 2022, a specified municipality, as defined in Section 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the general plan to comply with Subsection (3)(a).

### Moderate Income Housing Element - UCA 10-9a-403(2)

- (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
  - (i) a land use element that:
    - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education,

- public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
    - (B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
  - (ii) a transportation and traffic circulation element that:
    - (A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;
    - (B) for a municipality that has access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce;
    - (C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and
    - (D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan; and
  - (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:
    - (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
    - (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
    - (C) includes an implementation plan as provided in Subsection (2)(c).
- (b) In drafting the moderate income housing element, the planning commission:
  - (i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
    - (A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
    - (B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;
  - (ii) for a town, may include, and for 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 other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
- (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 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) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
  - (S) create a program to transfer development rights for moderate income housing;
  - (T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
  - (U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
  - (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;
  - (W) 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) 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) in addition to the recommendations required under Subsection (2)(b)(iii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement:
    - (A) the strategy described in Subsection (2)(b)(iii)(V); and
    - (B) a strategy described in Subsection (2)(b)(iii)(G), (H), or (Q).
- (c)
    - (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall

establish a timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.

- (ii) The timeline described in Subsection (2)(c)(i) shall:
  - (A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, 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 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.

### Applicability - UCA 10-9a-408(1)(e)

"Specified municipality" means:

- (i) a city of the first, second, third, or fourth class;
- (ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; or
- (iii) a metro township with a population of 5,000 or more.

### Reporting Requirement - UCA 10-9a-408(2)-(4)

- (2)
  - (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified municipality shall annually submit a written moderate income housing report to the division.
  - (b) The moderate income housing report submitted in 2022 shall include:
    - (i) a description of each moderate income housing strategy selected by the specified municipality for implementation; and
    - (ii) an implementation plan.



- (c) The moderate income housing report submitted in each calendar year after 2022 shall include:
    - (i) the information required under Subsection (2)(b);
    - (ii) a description of each action, whether one-time or ongoing, taken by the specified municipality during the previous fiscal year to implement the moderate income housing strategies selected by the specified municipality for implementation;
    - (iii) a description of each land use regulation or land use decision made by the specified municipality during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified municipality's efforts to implement the moderate income housing strategies;
    - (iv) a description of any barriers encountered by the specified municipality in the previous fiscal year in implementing the moderate income housing strategies;
    - (v) information regarding the number of internal and external or detached accessory dwelling units located within the specified municipality for which the specified municipality:
      - (A) issued a building permit to construct; or
      - (B) issued a business license to rent;
    - (vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and
    - (vii) any recommendations on how the state can support the specified municipality in implementing the moderate income housing strategies.
  - (d) The moderate income housing report shall be in a form:
    - (i) approved by the division; and
    - (ii) made available by the division on or before July 1 of the year in which the report is required.
- (3) Within 90 days after the day on which the division receives a specified municipality's moderate income housing report, the division shall:
- (a) post the report on the division's website;
  - (b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified municipality is located, and, if the specified municipality is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and
  - (c) subject to Subsection (4), review the report to determine compliance with Subsection (2).
- (4)
- (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:
    - (i) includes the information required under Subsection (2)(b);

- (ii) demonstrates to the division that the specified municipality made plans to implement:
  - (A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or
  - (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station; and
- (iii) is in a form approved by the division.
- (b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:
  - (i) includes the information required under Subsection (2)(c);
  - (ii) demonstrates to the division that the specified municipality made plans to implement:
    - (A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or
    - (B) four or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station;
  - (iii) is in a form approved by the division; and
  - (iv) provides sufficient information for the division to:
    - (A) assess the specified municipality's progress in implementing the moderate income housing strategies;
    - (B) monitor compliance with the specified municipality's implementation plan;
    - (C) identify a clear correlation between the specified municipality's land use regulations and land use decisions and the specified municipality's efforts to implement the moderate income housing strategies; and
    - (D) identify how the market has responded to the specified municipality's selected moderate income housing strategies.

## Incentives & Restrictions - UCA 10-9a-408(5)-(8)

(5)

- (a) A specified municipality qualifies for priority consideration under this Subsection (5) if the specified municipality's moderate income housing report:
  - (i) complies with Subsection (2); and
  - (ii) demonstrates to the division that the specified municipality made plans to implement:
    - (A) five or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

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

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

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

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

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

- (i) name the specified municipality that qualifies for priority consideration;
- (ii) describe the funds or projects for which the specified municipality qualifies to receive priority consideration;
- (iii) specify the fiscal year during which the specified municipality qualifies for priority consideration; and
- (iv) state the basis for the division's determination that the specified municipality qualifies for priority consideration.

(6)

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

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

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

(7)

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

- (i) fails to submit a moderate income housing report to the division; or
- (ii) fails to cure the deficiencies in the specified municipality's moderate income housing report within 90 days after the day on which the division

sent to the specified municipality a notice of noncompliance under Subsection (6).

- (b) The following apply to a specified municipality described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:
    - (i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5); and
    - (ii) the Governor's Office of Planning and Budget may not award financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).
  - (c) Upon determining that a specified municipality is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.
  - (d) The notice described in Subsection (7)(c) shall:
    - (i) name the specified municipality that is ineligible for funds;
    - (ii) describe the funds for which the specified municipality is ineligible to receive;
    - (iii) specify the fiscal year during which the specified municipality is ineligible for funds; and
    - (iv) state the basis for the division's determination that the specified municipality is ineligible for funds.
- (8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

## County Land Use Code

### Definitions - UCA 10-9a-103

- (43) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.
- (52) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:
  - (a) an estimate of the existing supply of moderate income housing located within the county;
  - (b) an estimate of the need for moderate income housing in the county for the next five years;

- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the county's program to encourage an adequate supply of moderate income housing.
- (f) an estimate of the existing supply of moderate income housing located within the municipality;
- (g) an estimate of the need for moderate income housing in the municipality for the next five years;
- (h) a survey of total residential land use;
- (i) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (j) a description of the municipality's program to encourage an adequate supply of moderate income housing.

### General Plan Requirement - 17-27a-401(3)(a)

- (i) The general plan of a specified county, as defined in Section 17-27a-408, shall include a moderate income housing element that meets the requirements of Subsection 17-27a-403(2)(a)(iii).
- (ii) On or before October 1, 2022, a specified county, as defined in Section 17-27a-408, with a general plan that does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

### Moderate Income Housing Element - UCA 17-27a-403(2)

- (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
  - (i) a land use element that:
    - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
    - (B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
  - (ii) a transportation and traffic circulation element that:
    - (A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;
    - (B) addresses the county's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce; and
    - (C) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;

- (iii) for a specified county as defined in Section 17-27a-408, a moderate income housing element that:
    - (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
    - (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(ii) for implementation; and
    - (C) includes an implementation plan as provided in Subsection (2)(e); and
  - (iv) a resource management plan detailing the findings, objectives, and policies required by Subsection 17-27a-401(3).
- (b) In drafting the moderate income housing element, the planning commission:
- (i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
    - (A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
    - (B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
  - (ii) shall include an analysis of how the county will provide a realistic opportunity for the development of moderate income housing within the planning horizon, including a recommendation to implement three or more of the following moderate income housing strategies:
    - (A) 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 county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county for the construction or rehabilitation of moderate income housing;
    - (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
    - (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, 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 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 county, an employer that provides contracted services for the county, or any other public employer that operates within the county;
  - (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
  - (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) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
  - (S) create a program to transfer development rights for moderate income housing;
  - (T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
  - (U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
  - (V) 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
  - (W) demonstrate implementation of any other program or strategy to address the housing needs of residents of the county who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.
- (iii) If a specified county, as defined in Section 17-27a-408, has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified county shall include as part of the specified county's recommended strategies under Subsection (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).
- (c) In drafting the land use element, the planning commission shall:
    - (i) identify and consider each agriculture protection area within the unincorporated area of the county or mountainous planning district;
    - (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 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 establish a timeline for implementing each of the moderate income housing strategies selected by the county for implementation.
  - (ii) The timeline described in Subsection (2)(e)(i) shall:
    - (A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the county; and
    - (B) provide flexibility for the county to make adjustments as needed.

#### Applicability - UCA 17-27a-408(1)(e)

"Specified county" means a county of the first, second, or third class, which has a population of more than 5,000 in the county's unincorporated areas.

#### Reporting Requirement - UCA 17-27a-408(2)-(4)

- (2)
  - (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative body of a specified county shall annually submit a written moderate income housing report to the division.
  - (b) The moderate income housing report submitted in 2022 shall include:
    - (i) a description of each moderate income housing strategy selected by the specified county for implementation; and
    - (ii) an implementation plan.
  - (c) The moderate income housing report submitted in each calendar year after 2022 shall include:
    - (i) the information required under Subsection (2)(b);
    - (ii) a description of each action, whether one-time or ongoing, taken by the specified county during the previous fiscal year to implement the moderate income housing strategies selected by the specified county for implementation;
    - (iii) a description of each land use regulation or land use decision made by the specified county during the previous fiscal year to implement the



- moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified county's efforts to implement the moderate income housing strategies;
- (iv) a description of any barriers encountered by the specified county in the previous fiscal year in implementing the moderate income housing strategies; and
  - (v) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:
    - (A) issued a building permit to construct; or
    - (B) issued a business license to rent;
  - (vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and
  - (vii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.
- (d) The moderate income housing report shall be in a form:
- (i) approved by the division; and
  - (ii) made available by the division on or before July 1 of the year in which the report is required.
- (3) Within 90 days after the day on which the division receives a specified county's moderate income housing report, the division shall:
- (a) post the report on the division's website;
  - (b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and
  - (c) subject to Subsection (4), review the report to determine compliance with Subsection (2).
- (4)
- (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:
    - (i) includes the information required under Subsection (2)(b);
    - (ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies; and
    - (iii) is in a form approved by the division.
  - (b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:
    - (i) includes the information required under Subsection (2)(c);
    - (ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies;
    - (iii) is in a form approved by the division; and
    - (iv) provides sufficient information for the division to:
      - (A) assess the specified county's progress in implementing the moderate income housing strategies;
      - (B) monitor compliance with the specified county's implementation plan;
      - (C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies; and

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

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- (5)
  - (a) A specified county qualifies for priority consideration under this Subsection (5) if the specified county's moderate income housing report:
    - (i) complies with Subsection (2); and
    - (ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.
  - (b) The following apply to a specified county described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:
    - (i) the Transportation Commission may give priority consideration to transportation projects located within the unincorporated areas of the specified county in accordance with Subsection 72-1-304(3)(c); and
    - (ii) the Governor's Office of Planning and Budget may give priority consideration for awarding financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).
  - (c) Upon determining that a specified county qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.
  - (d) The notice described in Subsection (5)(c) shall:
    - (i) name the specified county that qualifies for priority consideration;
    - (ii) describe the funds or projects for which the specified county qualifies to receive priority consideration;
    - (iii) specify the fiscal year during which the specified county qualifies for priority consideration; and
    - (iv) state the basis for the division's determination that the specified county qualifies for priority consideration.
- (6)
  - (a) If the division, after reviewing a specified county's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified county.
  - (b) The notice described in Subsection (6)(a) shall:
    - (i) describe each deficiency in the report and the actions needed to cure each deficiency;
    - (ii) state that the specified county has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and
    - (iii) state that failure to cure the deficiencies within 90 days after the day on which the notice is sent will result in ineligibility for funds under Subsection (7).
- (7)
  - (a) A specified county is ineligible for funds under this Subsection (7) if the specified county:
    - (i) fails to submit a moderate income housing report to the division; or

- (ii) fails to cure the deficiencies in the specified county's moderate income housing report within 90 days after the day on which the division sent to the specified county a notice of noncompliance under Subsection (6).
  - (b) The following apply to a specified county described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:
    - (i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the unincorporated areas of the specified county in accordance with Subsection 72-2-124(6); and
    - (ii) the Governor's Office of Planning and Budget may not award financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).
  - (c) Upon determining that a specified county is ineligible for funds under this Subsection (7), the division shall send a notice of ineligibility to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.
  - (d) The notice described in Subsection (7)(c) shall:
    - (i) name the specified county that is ineligible for funds;
    - (ii) describe the funds for which the specified county is ineligible to receive;
    - (iii) specify the fiscal year during which the specified county is ineligible for funds; and
    - (iv) state the basis for the division's determination that the specified county is ineligible for funds.
- (8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.