Moderate Income Housing Program

Frequently Asked Questions

FAQ

Report Submission

What is the 12-month reporting window?

The report should include data from Aug. 1 through July 31.

Which report do I need to submit?

There is only one report to submit, whether a county or municipality is in the first year of reporting, is reporting progress, or making amendments to the implementation plan. The report will give you three options to choose from depending on your community's circumstance. The report is available from May 1 to Aug. 1.

Can I report progress on changes to the implementation plan adopted mid-year?

Yes, a county or municipality may update their implementation plan at any time. To report progress on an updated plan, the community must:

- Describe each action taken during the past 12 months to implement the updated strategies. If reporting on actions taken before the reporting period, ensure the action:
  - was formally adopted (e.g., through ordinance, land use approval, investment, or agreement), and
  - is still relevant to meaningful progress toward the updated implementation plan.

- Include progress on strategies that were changed or removed in the updated implementation plan. Explain why any strategies were revised.

- Progress made before the implementation plan was adopted, or during the adoption process, cannot be considered for compliance.

What if a community has implemented the strategies or the benchmarks have been completed?

If strategies have been implemented and all benchmarks have been completed, a county or municipality has a couple of options:

1) The county or municipality may report on actions which were adopted prior to the 12 month reporting period if they meet the requirements found in 10-9a-408(3)(c) and 17-27a-408(3)(c). This is a good option if there are outcomes currently happening because of an investment, ordinance passing, or other legislative action.

2) If the strategy has truly been completed and there is no further action expected, the county or municipality may consider updating their implementation plan to ensure that during annual reporting they report on the required minimum number of strategies.

What if the county or municipality has taken the actions they can and are now waiting for a developer or partner to do their part to move the strategy forward?

The county or municipality should report on the actions that they have taken to move the implementation plan forward and document any challenges in the barriers section. Engagement with partners, stakeholders, and developers can be used as progress if a description is included about its relationship to the implementation plan. Reporting these strategies as ongoing strategies (requirements found in 10-9a-408(3)(c) and 17-27a-408(3)(c)) can also be a benefit to counties and municipalities in this situation.

How is the report reviewed?

The required descriptions of an initial report and progress report are described in 10-9a-408 and 17-27a-408. Each of these requirements must be included in a report for submission to comply with the reporting requirements. The Housing and Community Development (HCD) review will include the tasks described in (5)(a) of each section. A common error seen during the review is that a report does not describe the implementation plan progress or compliance, but rather reports on other strategies, achievements described are not in the implementation plan, or the timelines are significantly later than planned for. To remedy this, a report should clearly describe how each accomplishment supports the implementation of the adopted strategy, benchmark, and timeline.

Can MIH staff look at my report before I submit and give recommendations?

Yes, we'd be happy to look at your report and give recommendations before you submit. You can email us at **mih@utah.gov** and schedule a one-on-one technical assistance appointment.

FAQ

How do we report on our strategies when the lettering has changed? For example, one of our strategies is X, and now it has changed to V in state code this year.

When filling out the 2025 report, we encourage you to report on the strategy letter that matches current state code. So, for example, if one of your General Plan strategies is X (the old letter), you would report this strategy as V (the new letter) when filling out the 2025 report.

The letter is less important than the actual text of the strategy itself, which is in your General Plan already. If you accidentally pick the wrong strategy letter, we will just make sure that the progress of the strategy reported matches the strategy text in your General Plan. To see how strategy lettering has changed since last year, you can visit the House Bill 37 page from 2025 - **https://le.utah.gov/~2025/bills/static/HB0037.html**.

Does the report let me save my progress and finish later?

Qualtrics automatically saves your progress in the report using cookies stored in your browser. If you close the browser or navigates away from the survey, you can return to it later by clicking the same survey link initially used. But be aware that if you clear your browser cookies, uses a different browser or computer, or have ad or script blockers enabled, you may not be able to resume from where you left off.

As long as you follow the parameters above (using the same browser, etc.), your saved answers will not be "timed out" or deleted after a certain amount of time. They will continue to be there until the Aug 1st deadline. The save feature works for unique links (emailed on May 1st) AND for the general link to the report on **jobs.utah.gov/mihreporting**.

On the MIH website, we have a PDF that "previews" all the questions on the 2025 report. I would recommend using this to prepare your answers in a separate document before filling out the report. This will protect you if you experience unintended technical difficulties.

Can you contact us directly beforehand if there are any issues with our report being non-compliant?

If there are technical issues with compliance, such as broken links, missed questions or issues with file uploads, we can reach out to communities during our review and try to solve the issue. If there are more substantive issues with the report's compliance to state code, staff will make the compliance determination and send notice of non-compliance. If you have questions or concerns about your reporting, we encourage you to reach out before submitting.

FAQ

Can we change or amend our MIH strategies?

Yes, with some conditions. If a community changes strategies, you will select the following option in the beginning of the MIH report:

"We are in YEAR 2-5 of reporting AND our implementation plan or strategies were updated or amended during the reporting period between August 1, 2024 and July 31, 2025"

Selecting that option will let you enter links to new adopted ordinances/resolutions, new links to your general plan, and new strategies you have adopted or changed later in the report. Amendments to your General Plan that include new strategies and their implementation plans **must be adopted before the August 1st deadline** for MIH reporting (see Subsection (2)(a)(iii) of 10-9a-403).

Note that if you amend or adopt new strategies during the reporting period (Aug 1, 2024– July 31, 2025), you must report on the progress of the original strategies (e.g., you previously pursued strategy A, but switched to strategy B on January 1. You would provide the new information about your plan to pursue strategy A, then report on the progress made on strategy B from August to January 1).

Zoning Maps and Tables

What counts as a zoning map or table submission?

Statute calls for communities to submit either a Shapefile (.shp) or a link to the municipal website where a zoning map and tables are available. The reporting form has options for submitting both options.

What is a Shapefile?

A shapefile (.shp) is a file type used to store geographic, location, and mapping information.

What should be included in the Zoning Tables?

Zoning tables should include the densities, zone type, table of uses, or other relevant information that describes the data in the zoning map. If submitting a Shapefile, this data may be included in your attribute table.

UTAH DEPARTMENT OF
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HOUSING & COMMUNITY DEVELOPMENT

Entitled Units

How are Entitled Units defined?

Entitled units are those units that have a legal right to be developed through the existing residential zone, existing development agreement, or other legal mechanisms for residential development, such as an overlay zone.

What data should I report?

HB465 from the 2024 General Session requires reporting on the number of residential dwelling units that have been entitled that have not received a building permit. We request a count of these entitled units up to May 1, 2025, to ensure that all communities will provide a consistent reporting period year over year.

The report requests data related to zoning and by right development, development agreement, Planned Unit Development (PUD), overlay zones, or other mechanisms for residential development used in the municipality or county.

Are you looking for all units inclusive of market rate and affordable units?

This section of the report should document all residential units.

What period should we use to report on entitled units?

Please report on all entitled units up to May 1, 2025. Your community should document any unit that is considered entitled within your community, including entitlements approved in prior years.

Does the lack of a consistent definition for entitlement not cause the problem of getting an accurate number of what has been entitled?

The data requested are for units that are entitled, having the legal right to be developed, but that do not have building permits. Since many communities have different points in the development process at which they consider a unit to be entitled, we have grouped these mechanisms to support communities in reporting, including separate questions for zoning, overlay zones, and other land use mechanisms like development agreements and PUDs.

FAQ

What about an entitled lot that receives a building permit, and then the building permit expires. Is this lot now considered to be entitled?

Please rely on your local ordinances or processes to determine whether units would be considered entitled.

Do you want to see all units that are possible in the community based on the zoning?

The report does include a question about the units on vacant lots which could be built in the community based on current zoning to address the units which could receive building permits if the development would be consistent with the existing zone and allow development by right. We recognize that there are various situations in which development on a zoned parcel may not be possible based on geographic constraints, set back requirements, lack of infrastructure, etc. We have provided a narrative and barriers section for cities and counties to describe the data further.

Do I use the overlays we have for residential density or the base zoning?

There are questions in the report about both base zoning and overlays. Overlays may include increases to residential density and that should be captured in the report. Some communities use development agreements to entitle units within an overlay zone. In these situations, please describe the city or county's process in the narrative and make sure that the units entitled are either reported in the overlay question, or the development agreement question, but not both.

Station Area Plans

If a community has a fixed guideway transit station or is within 1/2 mile of a rail station, they are required to submit a Station Area Plan to their metropolitan planning organization (MPO), receive a certification of compliance, and submit that certification to HCD. What is the deadline for that?

You have until December 31st, 2025 to fulfill this requirement in state code. For more information on this requirement, see Utah Code 10-9a-403.1 Section (10). We mentioned this in the MIH report just as a reminder for those municipalities to work with their respective MPOs to fulfill this requirement.

FAQ

Barriers

What counts as a barrier?

Barriers include any obstacles or challenges experienced by the community as a strategy is implemented. Some examples could include public clamor, change in leadership, developer or partner constraints, supply chain delays, increased costs. The list of examples is not exhaustive, and we recommend that for each strategy the county or municipality provide a robust description of the barriers experienced. This will help to identify any common experiences or needs across the state.

In many lower-class counties or municipalities, 80% AMI may be too low to afford housing in the area. How does a county or municipality report progress when there are financial constraints outside of the county or municipality's control?

The moderate income housing report is a progress report of the actions that the county or municipality has planned to accomplish. If there are constraints outside of the city's control or unforeseen circumstances, these would be documented as barriers to implementation. The city may also document all steps taken to implement the strategy as progress, even if there are barriers. Any steps taken to implement or to address barriers should include a description of how these steps support the county or municipality's implementation plan.

Data

What data should I use to update the written portion of our moderate income housing plan?

The community may use data from the Kem C. Gardner Policy Institute Affordable Housing Dashboard at h**ttps://gardner.utah.edu/affordable-housing-dashboard/** or by scanning the QR code below. Other sources from private, nonprofit, federal, state, and local organizations are also widely available and could benefit the planning process.

FAQ

Does the Data for counties include incorporated areas?

The data for counties on the Affordable Housing Dashboard is countywide data and is therefore inclusive of the incorporated communities. For resources to get further detail on unincorporated areas, please contact **mih@utah.gov**.

Are there sources where we can find market data?

The market response section of the report is intended to be filled out with local knowledge, however if the community is interested in identifying specific market response data for a strategy, some sources could include, but are not limited to:

- The Kem C. Gardner Policy Institute.

- The US Census Bureau for demographic changes.

- The Housing and Urban Development CHAS data.

- Realtors.

- Local Housing Authorities.