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HOUSING & **Community** DEVELOPMENT

Moderate Income Housing
Plan Element
Legislative Changes 2023

March 29, 2023



Welcome●

Agenda

- Overview
- 2023 Legislation Highlights
- Applicability
- Requirements
- New Process and Timeline
- Incentives / Restrictions
- Resources



Overview

Utah Code Title 10 Chapter 9a and Title 17 Chapter 27a establishes the requirement for jurisdictions in the state to plan through **General Plan** development and adoption **for moderate income housing**.

If a jurisdiction meets certain class and population criteria, it's required to:

- Include a moderate-income housing element in the General Plan
- Report annually on its compliance with the requirement



Applicability

Cities

- 1st, 2nd, 3rd, or 4th class
- 5th class with population of 5,000 or more AND is in a 1st, 2nd, or 3rd class County.

Metro Township

- Population of 5,000+

Counties

- 1st, 2nd, or 3rd class with an unincorporated population of 5,000+



2023 Legislation Highlights

HB 364

- Clarifies process for communities which “grow” into the requirement.
- Allows for subsequent reports to be submitted administratively.
- Adds an appeal process for a community to respond to a notice of noncompliance.
- Defines ongoing menu items in subsequent reports.
- Updates the timeline for report submission.

SB 174

- Adds a penalty fee for non-compliance starting in 2024, paid to the Olene Walker Housing Loan Fund.

Due Dates & Timelines

May 1: MIHP annual report posted



August 1: MIHP annual report due

Subsequent reports will document progress on activities from the past year instead of the last fiscal year.



Requirements

Initial Report

- Due in the 1st year that a jurisdiction meets the population threshold.
- Legislative General Plan Update
- Documents strategy implementation over next 5-years.

Subsequent Report

- Due annually starting in 2nd year.
- Administrative process to complete.
- Documents progress on previous 12-month period.



Subsequent Report Elements

10-9A-408(3)(b) & 17-27A-408(3)(b)

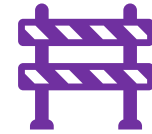
The community will report on the following elements for the previous 12-month period while implementing the moderate-income housing strategies:



Actions



Land Use Regulations & Decisions



Barriers



Accessory Dwelling Units



Market Response



Recommendations



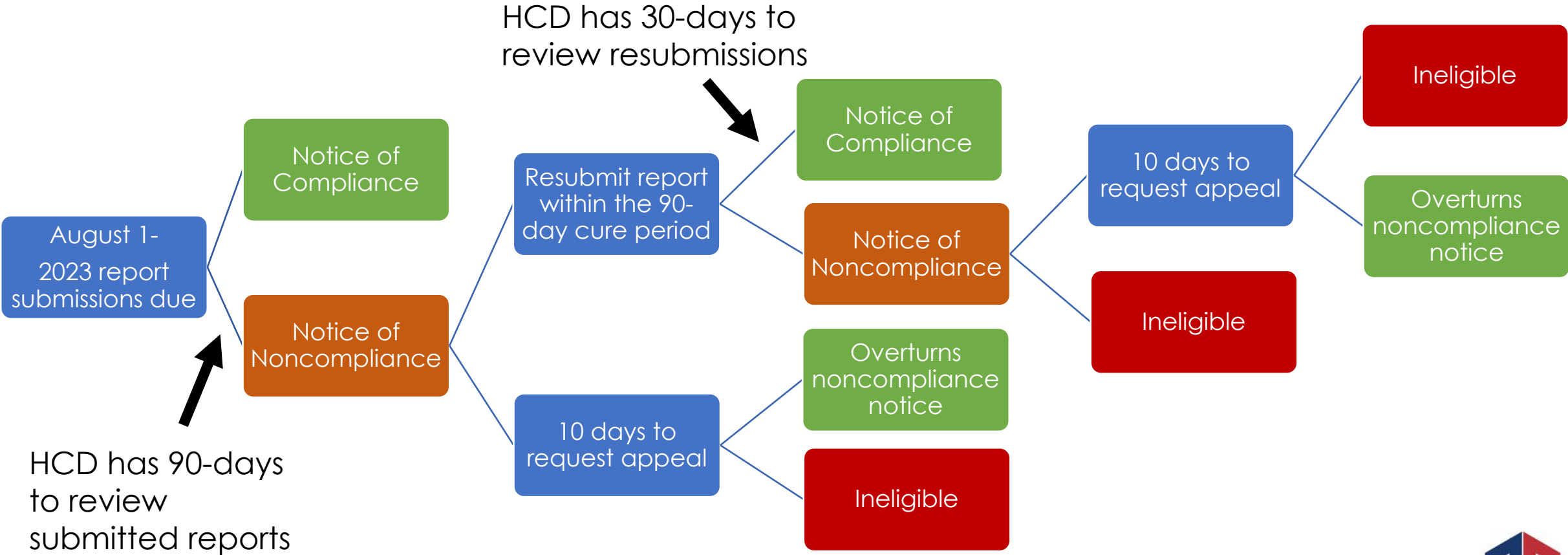
Ongoing Activities in Subsequent Reports

Actions prior to the 12-month reporting period applicable to the subsequent progress report:

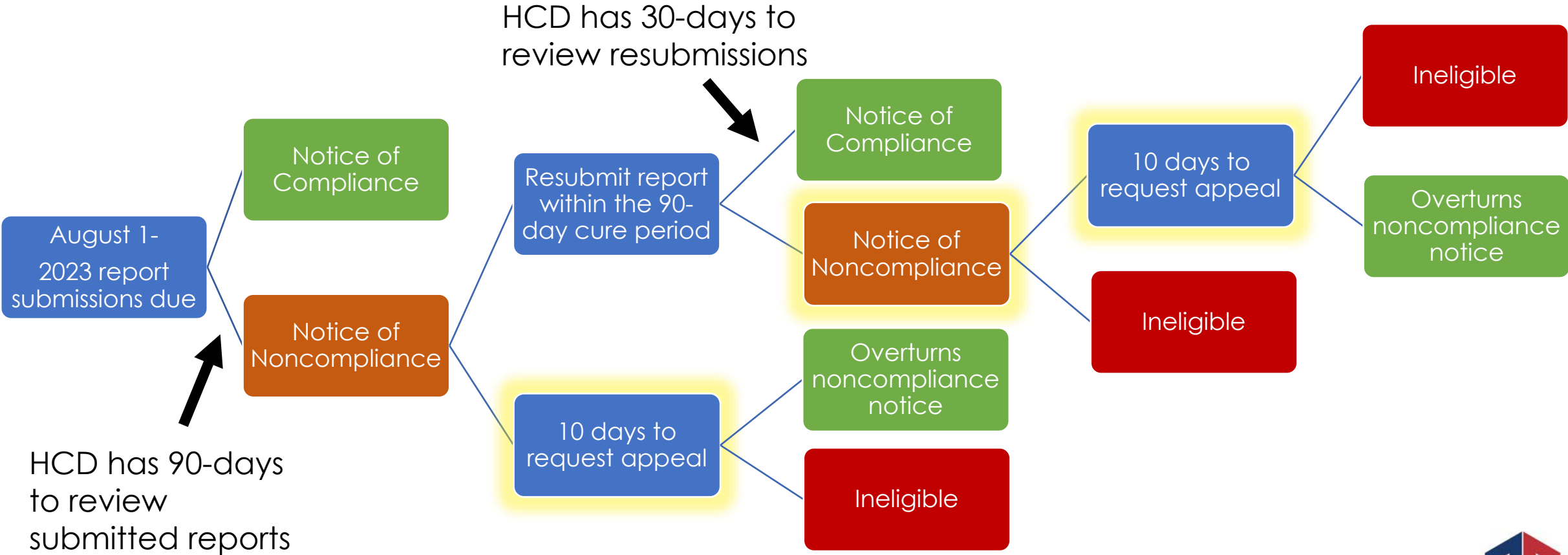
- Community must document the action which had taken place (adopted ordinance, approved land use application, made an investment, etc.).
- Demonstrate that this action is relevant to making meaningful progress toward the implementation plan (What are the ongoing successes, outcomes, outputs, next steps, etc. from this action).



Process



Process



Key Dates

Annual Report Benchmarks	Estimated Deadline
HCD posts annual report form	May 1, 2023
Annual Report Deadline (Late submissions will be considered ineligible)	August 1, 2023
HCD last day for review	Max. 90-Days following the report deadline
Cure period end date	Max. 90-days following the date on the notice
Request for an appeal of notice of noncompliance	Max. 10-days following the date on the notice
Appeal Board Review	Max. 90-days following the request for appeal.



Appeals Process

Available once during a jurisdiction's curing period:

- Must be requested no more than 10-days after receiving the notice of noncompliance.
- 90-days for review by appeals board.
- Appeals board includes members appointed by:
 - ULCT
 - The Utah Homebuilders Assoc.
 - The presiding member of the relevant AOG



Incentives

Priority consideration from the Transportation Commission if:

1. A community includes 5+ strategies (municipalities w/o trax/brt or Counties)
2. A community includes 6+ strategies (w/ trax/brt)

*Incentives have not changed.



Communities which do not submit, or do not correct issues identified in a notice of noncompliance within 90-days will:

*#2 and #3 are new restrictions.

Restrictions

1. Be ineligible for TIF/TTIF funds.
2. Not receive funding from the State Tax Commission starting January 1, 2024. (SB260)
3. Be subject to a daily fee for noncompliance starting in 2024.



Resources

- Moderate Income Housing Database-Summer 2023
- Upcoming trainings
 - April 19-21 ULCT Conference
 - May 10-12 APA Conference
 - June 7 with ULCT
- One on One assistance available through this link:
<https://calendar.app.google/xCLdGGCuJUv8WpB78>





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