HB 462 Pertinent lines 2022

608          (3) (a) The general plan of a specified municipality, as defined in Section [10-9a-408](https://le.utah.gov/~2022/bills/static/HB0462.html#10-9a-408),  
609     shall include a moderate income housing element that meets the requirements of Subsection  
610     [10-9a-403](https://le.utah.gov/~2022/bills/static/HB0462.html#10-9a-403)(2)(a)(iii).  
611          (b) On or before October 1, 2022, a specified municipality, as defined in Section  
612     [10-9a-408](https://le.utah.gov/~2022/bills/static/HB0462.html#10-9a-408), with a general plan that does not comply with Subsection (3)(a) shall amend the  
613     general plan to comply with Subsection (3)(a).  
614          (4) Subject to Subsection [10-9a-403](https://le.utah.gov/~2022/bills/static/HB0462.html#10-9a-403)(2), the municipality may determine the  
615     comprehensiveness, extent, and format of the general plan.  
616          Section 3. Section **10-9a-403** is amended to read:  
617          **10-9a-403.** **General plan preparation.**

618          (1) (a) The planning commission shall provide notice, as provided in Section  
619     [10-9a-203](http://le.utah.gov/UtahCode/SectionLookup.jsp?section=10-9a-203&session=2022GS), of [~~its~~] the planning commission's intent to make a recommendation to the  
620     municipal legislative body for a general plan or a comprehensive general plan amendment  
621     when the planning commission initiates the process of preparing [~~its~~] the planning  
622     commission's recommendation.  
623          (b) The planning commission shall make and recommend to the legislative body a  
624     proposed general plan for the area within the municipality.  
625          (c) The plan may include areas outside the boundaries of the municipality if, in the  
626     planning commission's judgment, those areas are related to the planning of the municipality's  
627     territory.  
628          (d) Except as otherwise provided by law or with respect to a municipality's power of  
629     eminent domain, when the plan of a municipality involves territory outside the boundaries of  
630     the municipality, the municipality may not take action affecting that territory without the  
631     concurrence of the county or other municipalities affected.  
632          (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
633     and descriptive and explanatory matter, shall include the planning commission's  
634     recommendations for the following plan elements:  
635          (i) a land use element that:  
636          (A) designates the long-term goals and the proposed extent, general distribution, and  
637     location of land for housing for residents of various income levels, business, industry,  
638     agriculture, recreation, education, public buildings and grounds, open space, and other  
639     categories of public and private uses of land as appropriate; and  
640          (B) [~~may include~~] includes a statement of the projections for and standards of  
641     population density and building intensity recommended for the various land use categories  
642     covered by the plan;  
643          (ii) a transportation and traffic circulation element that:  
644          (A) provides the general location and extent of existing and proposed freeways, arterial  
645     and collector streets, public transit, active transportation facilities, and other modes of

646     transportation that the planning commission considers appropriate;  
647          (B) for a municipality that has access to a major transit investment corridor, addresses  
648     the municipality's plan for residential and commercial development around major transit  
649     investment corridors to maintain and improve the connections between housing, employment,  
650     education, recreation, and commerce;  
651          (C) for a municipality that does not have access to a major transit investment corridor,  
652     addresses the municipality's plan for residential and commercial development in areas that will  
653     maintain and improve the connections between housing, transportation, employment,  
654     education, recreation, and commerce; and  
655          (D) correlates with the population projections, the employment projections, and the  
656     proposed land use element of the general plan; and  
657          [~~(iii) for a municipality described in Subsection~~[10-9a-401](https://le.utah.gov/~2022/bills/static/HB0462.html#10-9a-401)~~(3)(b), a plan that provides a~~  
658     ~~realistic opportunity to meet the need for additional moderate income housing.~~]  
659          (iii) for a specified municipality as defined in Section [10-9a-408](https://le.utah.gov/~2022/bills/static/HB0462.html#10-9a-408), a moderate income  
660     housing element that:  
661          (A) provides a realistic opportunity to meet the need for additional moderate income  
662     housing within the next five years;  
663          (B) selects three or more moderate income housing strategies described in Subsection  
664     (2)(b)(iii) for implementation, including one additional moderate income housing strategy as  
665     provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public  
666     transit station; and  
667          (C) includes an implementation plan as provided in Subsection (2)(c).  
668          (b) In drafting the moderate income housing element, the planning commission:  
669          (i) shall consider the Legislature's determination that municipalities shall facilitate a  
670     reasonable opportunity for a variety of housing, including moderate income housing:  
671          (A) to meet the needs of people of various income levels living, working, or desiring to  
672     live or work in the community; and  
673          (B) to allow people with various incomes to benefit from and fully participate in all

674     aspects of neighborhood and community life;  
675          (ii) for a town, may include, and for [~~other municipalities~~] a specified municipality as  
676     defined in Section [10-9a-408](https://le.utah.gov/~2022/bills/static/HB0462.html#10-9a-408), shall include, an analysis of how the municipality will provide a  
677     realistic opportunity for the development of moderate income housing within the next five  
678     years;  
679          (iii) for a town, may include, and for other municipalities, shall include, a  
680     recommendation to implement three or more of the following moderate income housing  
681     strategies:  
682          (A) rezone for densities necessary to [~~assure~~] facilitate the production of moderate  
683     income housing;  
684          (B) [~~facilitate~~] demonstrate investment in the rehabilitation or expansion of  
685     infrastructure that [~~will encourage~~] facilitates the construction of moderate income housing;  
686          (C) [~~facilitate~~] demonstrate investment in the rehabilitation of existing uninhabitable  
687     housing stock into moderate income housing;  
688          (D) [~~consider~~] identify and utilize general fund subsidies or other sources of revenue to  
689     waive construction related fees that are otherwise generally imposed by the [~~city~~] municipality  
690     for the construction or rehabilitation of moderate income housing;  
691          (E) create or allow for, and reduce regulations related to, internal or detached accessory  
692     dwelling units in residential zones;  
693          (F) [~~allow~~] zone or rezone for higher density or moderate income residential  
694     development in commercial [~~and~~] or mixed-use zones near major transit investment corridors,  
695     commercial centers, or employment centers;  
696          (G) [~~encourage higher density or~~] amend land use regulations to allow for higher  
697     density or new moderate income residential development in commercial or mixed-use zones  
698     near major transit investment corridors;  
699          (H) amend land use regulations to eliminate or reduce parking requirements for  
700     residential development where a resident is less likely to rely on the resident's own vehicle,  
701     such as residential development near major transit investment corridors or senior living

702     facilities;  
703          (I) amend land use regulations to allow for single room occupancy developments;  
704          (J) implement zoning incentives for [~~low to~~] moderate income units in new  
705     developments;  
706          [~~(K) utilize strategies that preserve subsidized low to moderate income units on a~~  
707     ~~long-term basis;~~]  
708          [~~(L)~~] (K) preserve existing and new moderate income housing and subsidized units by  
709     utilizing a landlord incentive program, providing for deed restricted units through a grant  
710     program, or establishing a housing loss mitigation fund;  
711          [~~(M)~~] (L) reduce, waive, or eliminate impact fees[~~, as defined in Section~~[11-36a-102](http://le.utah.gov/UtahCode/SectionLookup.jsp?section=11-36a-102&session=2022GS)~~,~~]  
712     related to [~~low and~~] moderate income housing;  
713          [~~(N) participate in~~] (M) demonstrate creation of, or participation in, a community land  
714     trust program for [~~low or~~] moderate income housing;  
715          [~~(O)~~] (N) implement a mortgage assistance program for employees of the municipality  
716     [~~or of~~], an employer that provides contracted services to the municipality, or any other public  
717     employer that operates within the municipality;  
718          [~~(P)~~] (O) apply for or partner with an entity that applies for state or federal funds or tax  
719     incentives to promote the construction of moderate income housing, an entity that applies for  
720     programs offered by the Utah Housing Corporation within that agency's funding capacity, an  
721     entity that applies for affordable housing programs administered by the Department of  
722     Workforce Services, an entity that applies for affordable housing programs administered by an  
723     association of governments established by an interlocal agreement under Title 11, Chapter 13,  
724     Interlocal Cooperation Act, an entity that applies for services provided by a public housing  
725     authority to preserve and create moderate income housing, or any other entity that applies for  
726     programs or services that promote the construction or preservation of moderate income  
727     housing;  
728          [~~(Q) apply for or partner with an entity that applies for programs offered by the Utah~~  
729     ~~Housing Corporation within that agency's funding capacity;~~]

730          [~~(R) apply for or partner with an entity that applies for affordable housing programs~~  
731     ~~administered by the Department of Workforce Services;~~]  
732          [~~(S) apply for or partner with an entity that applies for programs administered by an~~  
733     ~~association of governments established by an interlocal agreement under Title 11, Chapter 13,~~  
734     ~~Interlocal Cooperation Act;~~]  
735          [~~(T) apply for or partner with an entity that applies for services provided by a public~~  
736     ~~housing authority to preserve and create moderate income housing;~~]  
737          [~~(U) apply for or partner with an entity that applies for programs administered by a~~  
738     ~~metropolitan planning organization or other transportation agency that provides technical~~  
739     ~~planning assistance;~~]  
740          [~~(V) utilize~~] (P) demonstrate utilization of a moderate income housing set aside from a  
741     community reinvestment agency, redevelopment agency, or community development and  
742     renewal agency[~~; and~~] to create or subsidize moderate income housing;  
743          (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,  
744     Part 6, Housing and Transit Reinvestment Zone Act;  
745          (R) eliminate impact fees for any accessory dwelling unit that is not an internal  
746     accessory dwelling unit as defined in Section [10-9a-530](http://le.utah.gov/UtahCode/SectionLookup.jsp?section=10-9a-530&session=2022GS);  
747          (S) create a program to transfer development rights for moderate income housing;  
748          (T) ratify a joint acquisition agreement with another local political subdivision for the  
749     purpose of combining resources to acquire property for moderate income housing;  
750          (U) develop a moderate income housing project for residents who are disabled or 55  
751     years old or older;  
752          (V) develop and adopt a station area plan in accordance with Section [10-9a-403.1](https://le.utah.gov/~2022/bills/static/HB0462.html#10-9a-403.1);  
753          (W) create or allow for, and reduce regulations related to, multifamily residential  
754     dwellings compatible in scale and form with detached single-family residential dwellings and  
755     located in walkable communities within residential or mixed-use zones; and  
756          [~~(W)~~] (X) demonstrate implementation of any other program or strategy [~~implemented~~  
757     ~~by the municipality~~] to address the housing needs of residents of the municipality who earn less

758     than 80% of the area median income, including the dedication of a local funding source to  
759     moderate income housing or the adoption of a land use ordinance that requires 10% or more of  
760     new residential development in a residential zone be dedicated to moderate income housing;  
761     and  
762          (iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a  
763     municipality that has a fixed guideway public transit station, shall include a recommendation to  
764     implement [~~the strategies~~]:  
765          (A) the strategy described in Subsection (2)(b)(iii)(V); and  
766          (B) a strategy described in Subsection (2)(b)(iii)(G) [~~or~~], (H), or (Q).  
767          (c) (i) In drafting the implementation plan portion of the moderate income housing  
768     element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a  
769     timeline for implementing each of the moderate income housing strategies selected by the  
770     municipality for implementation.  
771          (ii) The timeline described in Subsection (2)(c)(i) shall:  
772          (A) identify specific measures and benchmarks for implementing each moderate  
773     income housing strategy selected by the municipality, whether one-time or ongoing; and  
774          (B) provide flexibility for the municipality to make adjustments as needed.