



Staff Report

DATE: April 26, 2022

SUBJECT: Moderate-Income Housing Plan
Progress Report/Requirements

ISSUING STAFF: Jeffrey B. Jones, AICP
Economic Development & Housing Director

ACTION: Information/Staff Direction

SUMMARY

HB462 became law on June 1, 2022. As part of HB462, new reporting requirements are mandated for qualifying counties.

BACKGROUND/EXISTING CONDITIONS

HB 462 requires filing of an annual progress report regarding the required Moderate-Income Housing Plan Element and associated implementation program(s) for the Snyder Ville Basin and Eastern Summit County General Plans.

The reporting period will shift from December 1 to October 1 of each year. Additionally, the Utah Department of Workforce Services (UDWS) shall be responsible for creating a moderate-income housing database and be responsible for providing housing data to municipalities, metro townships and counties.

HB 462 requires UDWS to approve the reporting form each year and make the form available **on or before July 1** of each year the report is required.

Towards that end, the UDWS will be hiring a new staffer to manage the database and will work with various constituents on building a new form for reporting and other specifics.

REPORT COMPONENTS

HB 462 updates the reporting process. Instead of requiring reports on December 1 of each year, reports will be due on October 1st of each year.

The initial year (2022) report submittal must include the following components:

- A description of each adopted MIHP strategy selected by the County and a specific implementation timeline for each strategy.
- HB 462 also provides that if a county of the 1st , 2nd, or 3rd class “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 the creation of a Housing and Transit Reinvestment Zone (“HTRZ”). As such, the Snyderville Basin MIHP must include the establishment of the HTRZ zone as one of its strategies.
- The draft HTRZ proposal is required to be submitted to the Governor’s Office of Economic Opportunity (GOEO) on or before December 31, 2022.

Subsequent reports must include for each fiscal year period the following components:

1. MIHP strategies and implementation plans (including timelines);
2. A description of each action, one time or ongoing, taken by the County during the previous fiscal year (or past years if applicable) to implement the MIHP strategies.
3. A description of each land use regulation or decision made by the County during the previous fiscal year (or past years if applicable) to support their MIHP strategies.
4. A description of any barriers encountered by the County during the previous fiscal year (or past years if applicable) in implementing MIHP strategies.
5. A description of how the private sector and market have responded to the selected MIHP strategies, including the number of entitled residential units and other relevant data.
6. Information regarding the number of accessory dwelling units located within the county issued a business license and/or construction permit.
7. Recommendations on how the state can support the county in implementing MIHP strategies.

REPORT REVIEW

Summit County shall be required to submit the Annual Moderate-Income Housing Plan Report to UDWS' Housing and Community Development Division (HCD) on or before October 1 of that same year. HB 462 removes the requirement for reporting entities to submit their reports to their AOG or MPO.

Within 90 days of the Housing and Community Development Division receiving a report, the HCD must post the report on their website and send a copies to the Utah Department of Transportation (UDOT), the Governor's Office of Planning and Budget (GOPB), and the Mountainlands Association of Governments (MAG). Additionally, the HCD will also review the report to determine compliance with the updated list of strategies. HB 462 states that a jurisdiction's report complies with the requirement if the report:

- Includes the stated information required in the report forms provided by UDWS/HCD.
- Demonstrates to the UDWS/HCD that the County made plans to implement its MIHP strategies.
- Includes a "reasonable" timeline for the selected strategies.
- Assesses the County's progress in implementing strategies.
- Monitors the County's compliance with their implementation timeline(s).
- Identifies a clear correlation between the County's land use decisions and their efforts towards implementing selected strategies, and
- Identifies if and how the market has responded to the County's MIHP strategies and associated implementation program.

PRIORITIZATION AND PENALTIES

If UDWS/HCD reviews the report and determines that the County complies with the minimum requirements of at least three (3) strategies from a statutory list of twenty-two strategies, and includes the required implementation and benchmarks, the County would remain eligible for Transportation Investment Funds ("TIF") and the COVID-19 Local Assistance Matching Grant Program ("COVID Program") funding.

Furthermore, If the County "demonstrates to the HCD that the county made plans to implement five or more moderate-income housing strategies," then it qualifies for **priority consideration** of TIF and the COVID Program funding. Conversely, counties that do not comply will be deemed ineligible for TIF and the COVID-19 Local Assistance Matching Grant Program.

If the UDWS/HCD determines the County's MIHP fails to comply with the requirements, they must send a notice to the County, UDOT, and GOPB. The notice shall include that the County is ineligible to receive funds and the basis for the UDWS/HCD's determination.

IDENTIFIED PLAN DEFICIENCIES

HB 462 does provide counties with the opportunity to correct reporting deficiencies and bring their plan and associated implementation program into compliance.

In the notice given to the County, the UDWS/HCD must provide a description of each deficiency in the report and the actions needed to cure each deficiency. The legislative body of the County will be given **90 days** from the day the notice is sent to cure the identified deficiencies, or they will lose eligibility for TIF/TTIF funding.

ATTACHMENTS

PowerPoint: MIHP Progress Report Requirements