

**HOUSING LOSS MITIGATION AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derek L. Kitchen**

House Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill addresses the loss of moderate income housing units due to state agency action.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a state agency to mitigate loss of a moderate income housing unit that results from state agency action; and
- describes options for a state agency to mitigate loss of a moderate income housing unit that results from state agency action.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****ENACTS:**

**57-30-101**, Utah Code Annotated 1953

**57-30-102**, Utah Code Annotated 1953

**57-30-103**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **57-30-101** is enacted to read:

**CHAPTER 30. MODERATE INCOME HOUSING LOSS MITIGATION ACT**

**57-30-101. Title.**

This chapter is known as the "Moderate Income Housing Loss Mitigation Act."

Section 2. Section **57-30-102** is enacted to read:

**57-30-102. Definitions.**

(1) "Moderate income housing unit" means a housing unit where a household whose income is no more than 80% of area median income is able to live without spending more than 30% of the household's income on housing costs.

(2) "Replacement unit" means a housing unit that:

(a) is comparable in quality to a lost moderate income housing unit;

(b) meets state and local health and housing codes;

(c) is comparable to a lost moderate income housing unit in number of rooms and square footage;

(d) is located, to the extent practicable, in the same neighborhood as a lost moderate income housing unit; and

(e) meets the same affordability standard as a moderate income housing unit.

(3) "State agency" means a department, division, office, entity, agency, or other unit of state government.

Section 3. Section **57-30-103** is enacted to read:

**57-30-103. Moderate income housing loss -- Options for mitigation -- Exceptions.**

(1) Subject to Subsection (5), a state agency action may not result in the loss of a moderate income housing unit unless the state agency:

(a) provides for a replacement unit for each moderate income housing unit lost as a result of the state agency action; or

(b) pays a housing loss mitigation fee to the Olene Walker Housing Loan Fund created in Section [35A-8-502](#).

(2) A moderate income housing unit is lost if the moderate income housing unit:

(a) is demolished;

(b) the use changes to a use other than housing; or

