

Housing, Transportation, and your General Plan: What do you need to do in the post-SB 34 world?

What is Senate Bill 34?

[SB34 \(2019\)](#) encourages local government to plan for housing for residents of all income levels, and coordinate that housing with transportation. SB 34 provides a menu of 23 housing related strategies (see the reverse side) and cities must choose at least 3 strategies (4 if they have access to transit).

Who must comply?

The following cities and counties must comply with the moderate income housing (MIH) planning and reporting requirements. If your city does not report, it will not be eligible for Transportation Investment Funds (TIF) or Transit Transportation Investment Funds (TTIF).

- All cities of the 1st- 4th class.
- Cities of the 5th class with a population over 5,000 in counties of the 1st- 3rd class.
- Metro townships with a population over 5,000.
- All counties must use the menu to develop their MIH plan but only counties of the 1st- 3rd class with an unincorporated population of 5,000 or more must annually report on implementation.
- *Note: Under long-standing existing law, all cities “shall plan for moderate income housing growth.” Utah Code § 10-9a-401(3)(a).*

What are the requirements and deadlines?

- **By December 1, 2019**, ensure that the MIH planning element of your General Plan complies with SB 34 and is adopted as part of your General Plan. Make sure it is on your city’s website and let the Department of Workforce Services (DWS) know by emailing David Fields at dfields@utah.gov.
- **By December 1, 2020 and annually thereafter**, you’ll report on your city’s implementation (include successes and impediments) of the strategies you identified in the MIH plan. Use the DWS reporting form and send the report to DWS and your Association of Government (AOG), and Metropolitan Planning Organization (MPO) when applicable.
 - DWS Reporting Form can be found at <https://jobs.utah.gov/housing/affordable/moderate/index.html>. **Note: as of October 2, 2019, DWS has not updated their website to reflect new reporting requirements.**
- **By no specific deadline**, but when your city is updating the land use and transportation and traffic circulation elements, ensure that you are complying with the new specifications for these elements.

Where can I find the resources and data I need?

- Utah League of Cities and Towns: complete summary of the bill, access to data and other resources at www.ulct.org/housing
- Wasatch Front Regional Council: DWS reporting form, bill summary, statewide planning data at <https://wfrc.org/public-involvement/governmental-affairs/>
- Utah Department of Workforce Services, Housing and Community Development: can assist in the creation of reports and evaluates reports for state transportation fund eligibility at <https://jobs.utah.gov/housing/affordable/moderate/index.html>

What all is on this “menu” of housing strategies?

All cities and counties must select at least 3 strategies. Cities with a “fixed guideway public transit station” must select a 4th item (choose either G or H).

- (A) rezone for densities necessary to assure the production of MIH
- (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH
- (C) facilitate the rehabilitation of existing uninhabitable housing stock into MIH
- (D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city
- (E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones
- (F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers
- (G) encourage higher density or moderate income residential development near major transit investment corridors
- (H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities
- (I) allow for single room occupancy developments
- (J) implement zoning incentives for low to moderate income units in new developments
- (K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis
- (L) preserve existing MIH
- (M) reduce impact fees, as defined in Section 11-36a-102, related to low and MIH
- (N) participate in a community land trust program for low or MIH
- (O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality
- (P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH
- (Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity
- (R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services
- (S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]
- (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
- (U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance
- (V) utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency
- (W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income.