

**SALT LAKE COUNTY ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2022

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING SECTIONS 2.91.010, 2.91.020, 2.91.030, 2.91.040, 2.91.050, 2.91.060, 2.91.070, 2.91.080 AND 2.91.120 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, RELATING TO THE SALT LAKE COUNTY HOUSING TRUST FUND AND THE SALT LAKE COUNTY HOUSING TRUST FUND ADVISORY BOARD.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 2.91.010 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

[~~The mayor and the~~] Salt Lake County [~~council, (the “council”)~~], declares it to be a policy of the county to address the health, safety, and welfare of its citizens by providing assistance for affordable and special needs housing within the county. The purpose of this ordinance is to create the Salt Lake County Housing Trust Fund and the Salt Lake County Housing Trust Fund advisory board to address these concerns for affordable and special needs housing within the county.

SECTION III. Section 2.91.020 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**2.91.020 - Definitions.**

For the purposes of this Chapter the following terms, phrases, words, and their derivations shall have the meanings given in this Section:

A. “Affordable housing” means: (1) rental housing for which the annualized rent does not exceed thirty percent of the annual income of a family whose income equals ~~[sixty]~~ eighty percent or less of median income for Salt Lake ~~[City]~~ County, as determined by the United States Department of Housing and Urban Development; or (2) non-rental housing for which the annualized mortgage payment does not exceed thirty percent of the annual income of a family whose income equals eighty percent or less of the median income for Salt Lake County, as determined by the United State Department of Housing and Urban Development.

B. “Board” means the Salt Lake County Housing Trust Fund advisory board created under this chapter.

C. “County” means and refers to Salt Lake County, a body corporate and politic of the State of Utah.

D. “Council” means the Salt Lake County ~~[eouncil]~~ Council.

E. “Director” means the person serving as the director of the ~~[division of housing and community development (“HCD”)]~~ office of regional development (“ORD”), or its successor ~~[division]~~ department or office.

F. “Entitlement Funds” ~~[are]~~ mean only those annual direct grants awarded to eligible communities by the U.S. Department of Housing and Urban Development pursuant to the Community Development Block Grant (“CDBG”), HOME, and Emergency Shelter Grant (“ESG”) programs.

G. “Housing Sponsor” includes, but is not limited to, a public, private, or governmental entity which constructs, develops, rehabilitates, purchases, owns, or manages a housing project or program that is or will be subject to legally enforceable restrictions and covenants that require that the housing assistance to be provided to qualifying individuals as

defined in this ordinance.

H. “Mayor” means the duly elected or appointed, and qualified mayor of Salt Lake County.

I. “Member” means a person appointed by the mayor who is a duly qualified voting member of the board.

J. “Special needs housing” includes, but is not limited to, supportive housing for people who fit one or more of the following categories: homeless, elderly, mentally and/or physically disabled, domestic violence survivors, and the chronically ill.

SECTION IV. Section 2.91.030 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**2.91.030 Fund created.**

There is created a special revenue fund, to be designated as the “Salt Lake County Housing Trust Fund” (the “Fund”). The Fund shall be used exclusively to assist with affordable and special needs housing in the county.

A. ~~[There shall be deposited into the Fund all moneys received by the county, which are]~~ Consistent with the legislative determination of the council, revenues received by the county may be deposited into the Fund. Such revenues should be dedicated to affordable housing and special needs housing.~~[, and]~~ Sources of revenue include~~[ing]~~, but are not limited to, the following:

1. Grants, loan repayments, bonuses, entitlements, mitigation fees, forfeitures, donations, and all other moneys dedicated to affordable and special needs housing received by the ~~[County]~~ county from federal, state, or local governments;

2. Redevelopment tax increment income as provided under state law and as approved by the redevelopment agency board of directors;

3. Proceeds from real property contributed to or acquired by the county under other ordinances for the purposes of preserving, developing, or restoring affordable housing;

4. Moneys appropriated to the Fund by the council; and

5. Contributions made specifically for this purpose from other public or private sources.

6. Other funds received from the federal or state government that are eligible for this purpose.

B. The moneys in the Fund shall be invested by the county treasurer in accordance with the usual procedures for special accounts or funding source requirements. All interest or other earnings derived from the Fund moneys shall be deposited in the Fund.

C. The moneys in the Fund shall be accounted for separately within the Fund based on source.

D. Federal entitlement funds, including loan repayment proceeds, and county funds specifically appropriated as HOME program match funds are excluded from the Housing Trust Fund and shall be administered separately.

SECTION V. Section 2.91.040 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**2.91.040 - Board created.**

A. There is created the Salt Lake County Housing Trust Fund advisory board (the “board”), which body shall consist [~~at least~~] of [~~seven and no more than eleven~~] eleven appointed

members, at least ~~[one]~~ two of whom ~~[qualifies]~~ qualify for affordable or special needs housing benefits or programs. ~~[To the extent possible, members shall include residents of each county council district, with at]~~ At least [four] six members ~~[having]~~ shall have expertise or experience in ~~[affordable and/or special needs housing. Remaining members shall have expertise or experience in the areas of business, real estate, or housing development generally]~~ one or more of the following six areas: urban design, public asset management, architecture, urban planning, housing services/development, or economics.

B. The board may also consult with persons who have expertise or experience in areas such as finance, real estate, affordable and/or special needs housing development, and law as well as with county staff and with representatives from other county boards and commissions in order to solicit advice on specific projects.

SECTION VI. Section 2.91.050 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**2.91.050 Appointment of members.**

A. ~~[All a]~~ Appointments of nine members of the Board shall be made by the mayor with advice and consent of the [county] council. In making initial appointments, the mayor shall, with the advice and consent of the council, designate [two] three members to serve one year, [two] three members to serve two years, and designate three members to serve three years. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a three year term.

B. Two members of the board shall be non-voting members of the board selected by the council from among the membership of the council. Such appointments shall be made for a two year term and shall not be of the same political party. In making initial appointments, the

Council may designate its appointments to serve for an additional period of no more than six months as may be necessary.

C. Each member's term of office shall expire on the last day of the applicable calendar year. Members shall be limited to no more than two consecutive terms each. Each person shall perform service on a voluntary basis without compensation, and on such basis shall be immune from liability with respect to any recommendation or action taken during the course of those services as provided by the Governmental Immunity Act of Utah, Utah Code Annotated Section [~~63-30-4~~] 63G-7-101 et seq. as amended, or successor sections. Vacancies occurring in the membership of the board shall be filled by appointment by the mayor with advice and consent of the council for the unexpired term.

SECTION VII. Section 2.91.060 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**2.91.060 - Removal from office.**

Any member may be removed from office by the mayor for cause, prior to the normal expiration of the term for which such member was appointed. [~~Any member failing to attend fifty percent or more of the board meetings held in one calendar year shall may be removed by the mayor.~~]

SECTION VIII. Section 2.91.070 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**2.91.070 Conflicts of interest.**

Members shall comply with [~~state statutory requirements~~] Salt Lake County Ethics Code, Salt Lake County Ordinance, Chapter 2.07, and countywide policies regarding conflicts

of interest and disclosure statements.

SECTION IX. Section 2.91.080 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**2.91.080 - Meetings.**

A. The board shall convene for ~~[regular]~~ meetings to be held ~~[at least quarterly]~~ as often as necessary to perform its duties under this chapter. Meetings shall be conducted in compliance with the Utah Open and Public Meetings Act, Title 52, Chapter 4, Utah Code Annotated, 1953, as amended, or its successor, at the Salt Lake County Government Center or at such public place as may be designated by the board. ~~[Four]~~ Five members of the board shall constitute a quorum for the purpose of holding meetings. The board may act officially by an affirmative vote of the majority of members present. At least two meetings each year shall include the making of recommendations regarding allocation or distribution of assets from the fund.

B. ~~[Special m]~~Meetings may be called by a majority of the board, the chairperson, or the mayor. The call for a ~~[special]~~ meeting must be signed by the ~~[member]~~ person or persons calling ~~[such]~~ the meeting and, provided to all board members and the mayor at least twenty-four hours in advance of the meeting ~~[-unless waived in writing, each member not joining in the order for such special meeting must be given not less than twenty-four hours' notice. Said notice shall be served personally or left at the member's residence or business office]~~. Meetings shall be held at such public place as may be designated by the board, and an agenda shall be published as provided by state statute at least twenty-four hours in advance of the meeting.

C. The board shall cause written ~~[summary]~~ minutes and a recording of its proceedings to be kept consistent with the Utah Open and Public Meetings Act ~~[which shall be~~

~~available for public inspection at the office of the director].~~ The board shall record the ye and nay votes of any action taken by it. The director shall make available a secretary to the board when required.

D. The board shall adopt written bylaws or rules of procedure, consistent with this chapter and subject to [with] the approval of the mayor, under which its meetings are to be held. ~~[The board may suspend the rules and procedures by unanimous vote of the members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of the rules occurs.]~~

SECTION X. Section 2.91.120 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**2.91.120 - Powers and duties.**

The board shall have the following powers and duties:

A. Recommend for adoption by the mayor such bylaws, rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other county ordinances or policies, or state or federal law;

B. Recommend the adoption and alteration of all rules, regulations, policies, and ordinances which it shall, from time to time, deem in the public interest and for the purposes of carrying out the objects of this chapter; provided, however, that such rules, regulations, policies, and ordinances shall not be in conflict with this chapter or its successor, or other county, state, or federal law;

C. Consult with experts in areas such as finance, real estate, and affordable housing development to obtain advice on specific projects;



D. Advise and make recommendations to the [~~Director~~] director, mayor, and council on affordable housing and special needs housing issues, which relate to this fund and may include, but not be limited to:

1. The means to implement the policies and goals of this chapter and the county's moderate income housing plan and policies;
2. Criteria by which loans and grants should be made;
3. The order in which projects and programs should be funded;
4. The distribution of any moneys or assets contained in the fund according to the procedures, conditions, and restrictions placed upon the use of those moneys or assets by the funding entity and pursuant to county procurement policies;
5. In accordance with adopted criteria, the distribution of all other moneys from the fund according to the following guidelines:
  - a. Sufficient fund moneys shall be distributed as loans to assure a reasonable stream of income to the fund from loan repayments;
  - b. Loans shall be recommended in accordance with the borrower's ability to pay, but no more than fifty percent of the per unit costs shall be recommended;
  - c. Fund moneys and assets not distributed as loans shall be distributed as grants,
  - d. The board may recommend that the mayor grant or lend fund moneys or assets to housing sponsors. Housing sponsors must assure long-term housing for the target population and provide evidence of continued affordability of the assisted housing throughout the remaining life of the housing unit. The

affordability requirement shall be enforced with a deed restriction, or other appropriate mechanism, which runs with the land;

e. Fund moneys and assets may be recommended by the board to be used to obtain matching funds from government entities or other sources, consistent with the intent of this chapter.

f. Fund monies received from Salt Lake County's share of Coronavirus State and Local Fiscal Recovery Funds provided by the American Rescue Plan Act of 2021, Public Law 117-2, shall comply with all applicable federal requirements, including any eligibility and reporting regulations established by the United States Department of Treasury.

E. The board may recommend fund moneys or assets be provided, in the form of a loan or a grant, or in exchange for a lien or other security, for any of the following activities:

1. Acquisition, leasing, rehabilitation, or new construction of housing units for ownership or rental, including transitional housing;
2. Emergency home repairs;
3. Retrofitting to provide access for persons with disabilities;
4. Down payment and closing cost assistance;
5. Construction and gap financing;
6. Land acquisition for purposes consistent with the purposes of this chapter;
7. Technical assistance;
8. Other activities and expenses incurred that directly assist in providing housing for eligible households in the county, consistent with the intent of this chapter.

F. An administrative expenses budget for the fund shall be approved annually by the

council.

G. The board shall develop an application process to be recommended to the mayor for approval.

H. The board and [~~HCD~~] ORD, in conjunction with such county staff as the mayor shall designate, shall review and monitor the activities of recipients of grants and loans issued under this chapter on an annual basis, or more often as may be deemed necessary, to ensure compliance with the terms and conditions imposed on the recipient by the county under this chapter and under any and all instruments and documents entered into between the county and recipient pursuant to this chapter;

1. Housing sponsors receiving grants or loans shall provide to the board and [~~HCD~~] ORD an annual accounting, or at such interval as required by state or federal law, of how the moneys or assets received from the fund have been used;

2. An annual report shall be prepared by the board and [~~HCD~~] ORD which shall contain information concerning the implementation of this ordinance. The report shall include, but is not limited to, information regarding the location and numbers of units developed or preserved, the number and incomes of households served, [~~and~~] detailing the income to and assets in the fund, [~~and~~] the expenditures and uses of fund moneys and assets, and reporting on performance measures, program outcomes, and other indicators as required by county ordinances, policies, or legislative intent, or by state or federal law;

3. The annual report shall include the board's and mayor's assessment of housing needs in the county, barriers to affordable and special needs housing development and preservation, and barriers to the implementation of this ordinance;

4. The annual report shall be submitted to the mayor and the council for review by April 1st of each calendar year;

5. Appropriations by the council to the fund shall be considered as part of the annual budget process.

I. Serve as a coordination body and resource for organizations interested in affordable and special needs housing issues affecting the county, including, but not limited to, the housing authority of Salt Lake County, the redevelopment agency of Salt Lake County, [~~HCD~~] ORD, and other county departments as appropriate, as well as nonprofit and for-profit housing developers.

SECTION XI. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Laurie Stringham, Chair

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

REVIEWED AS TO FORM:

\_\_\_\_\_  
Adam Miller  
Deputy District Attorney  
Date: \_\_\_\_\_

Council Member Alvord voting \_\_\_\_\_  
Council Member Bradley voting \_\_\_\_\_  
Council Member Bradshaw voting \_\_\_\_\_  
Council Member DeBry voting \_\_\_\_\_  
Council Member Granato voting \_\_\_\_\_  
Council Member Winder Newton voting \_\_\_\_\_  
Council Member Snelgrove voting \_\_\_\_\_  
Council Member Stringham voting \_\_\_\_\_  
Council Member Theodore voting \_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2022, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, which amends sections 2.91.010, 2.91.020, 2.91.030, 2.91.040, 2.91.050, 2.91.060, 2.91.070, 2.91.080 and 2.91.120 of the Salt Lake County Code of Ordinances, 2001. The amendment relates to the Salt Lake County Housing Trust Fund and the Salt Lake County Housing Trust Fund Advisory Board.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Laurie Stringham, Chair

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

REVIEWED AS TO FORM:

\_\_\_\_\_  
Adam Miller  
Deputy District Attorney  
Date: \_\_\_\_\_

Council Member Alvord voting	_____
Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Winder Newton voting	_____
Council Member Snelgrove voting	_____
Council Member Stringham voting	_____
Council Member Theodore voting	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.