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A Comparison of State-Funded Affordable Housing Programs

Utah policymakers have significantly expanded affordable housing programs in response to the housing crisis. As this effort continues, a comparison of state housing programs provides valuable policy insight.

April 2023

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A Comparison of State-Funded Affordable Housing Programs

Analysis in Brief

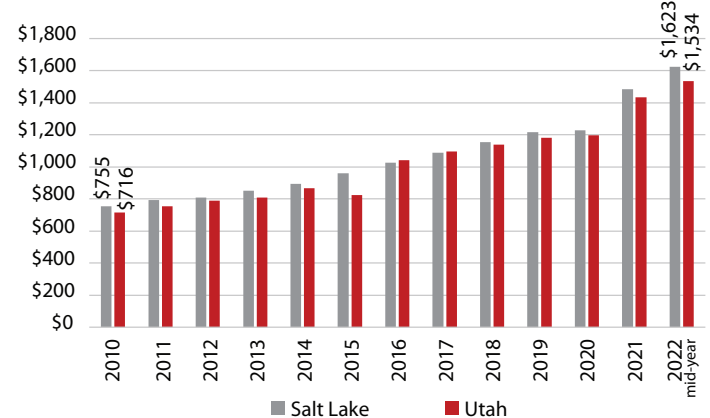
Housing instability and homelessness threaten the economic well-being of at least 40,000 extremely low-income renter households in Utah. These households have annual incomes of less than \$24,000 and must devote at least half of their income to housing and utilities. Many states have programs to help reduce this instability and increase the number of affordable housing units.

This report specifically focuses on four state-funded programs or policies that provide direct assistance to very low-income renters: (1) rental assistance, (2) state tax credits, (3) housing trusts, and (4) eviction policies.

Key Findings

- **Utah has a shortage of several thousand affordable rental units** – The need for affordable rental housing will likely continue to grow due to the high cost of homeownership, rising rental rates, and historically low vacancy rates.
- **The Utah Legislature took significant steps in the 2023 General Legislative Session to ease the shortage of affordable housing** – They passed six housing-related bills providing assistance to the homeless, first-time homebuyers, low-income housing developers, and home builders. A review of housing legislation from 1996 through 2023 suggests this was the most productive session for housing assistance in recent history.
- **Rental assistance programs reduce housing instability for very low-income households in many states** – Thirty-one states have state-funded rental assistance programs. Many programs directly supplement the income of very low-income households through one-time rent payments, rental assistance to those leaving correctional systems or state psychiatric hospitals, loans for the first month’s rent, and housing vouchers patterned on the U.S. Department of Housing and Urban Development’s (HUD) Section 8 Housing Choice Vouchers.
- **The Olene Walker Housing Loan Fund (OWHLF) is Utah’s primary state-funded housing program** – OWHLF has participated in the development of 24,561 affordable rental units since first funded in 1995 (at \$2.4 million). State General Fund appropriations, however, have not increased since the creation of the trust fund.

Average Rental Rates in Salt Lake and Utah Counties, 2010-2022 (mid-year)



Source: Greater Salt Lake Area Multifamily Market, CBRE, 2022

- **Utah’s state tax credits for low-income housing helped fund 8,000 units across 147 affordable rental housing projects** – Utah’s tax credit program facilitates the development of affordable units for extremely low-income renters. In 2021 the available credit of \$1.1 million ranked second lowest among the 25 states with tax credit programs (only Arkansas’ credit level was lower). That said, Utah’s Legislature increased the program to \$10 million annually during the 2023 legislative session, aligning Utah’s funding with most state tax credit programs.
- **Utah’s state-funded programs have focused on the supply side of the affordable housing crisis** – State tax credits, OWHLF gap financing, and funding of homeless shelters support the development of additional affordable units; however, these programs provide little housing assistance to the 40,000 extremely low-income renters ($\leq 30\%$). Supply-focused programs can’t reach these renters due to the high cost of construction. Consequently, many states have added demand-focused programs to their affordable housing arsenal, programs that provide direct assistance to renters through rental assistance, state housing vouchers, and expanded eviction assistance. Expanding direct assistance programs would provide a lifeline to the state’s most vulnerable renters and broaden Utah’s efforts in addressing the affordable housing crisis.

Introduction

This report continues the Kem C. Gardner Policy Institute’s research on housing prices and affordability in Utah. In 2020, the Gardner Institute published *Housing Affordability: What Are Best Practices and Why Are They Important?* That report focused on the most effective city and county policies for improving housing affordability.

While the 2020 study addressed *housing affordability*, this study has a narrower focus, *affordable housing*. For clarification, affordable housing refers to a specific type of housing, generally government-assisted rental housing, targeted for very low- to extremely low-income households. Housing affordability is a much broader term and refers to the general level of housing prices relative to the general level of household income as opposed to a specific type of housing.

The Need for Affordable Rental Housing

At least 40,000 renter households in Utah are extremely low-income renters ($\leq 30\%$ of Area Median Income, AMI), meaning they pay at least 50% of their income towards housing and utilities (Table 1). These households receive no rental assistance and live in market-rate rental units. They face housing instability and financial stress. For example, the nearly 17,000 extremely low-income households in Salt Lake County have an income of \$2,000 per month or less and a monthly housing cost of at least \$1,000. This severe housing cost burden underscores the need for state housing policies that increase housing opportunities for extremely low-income and very low-income renters ($\leq 50\%$ AMI).

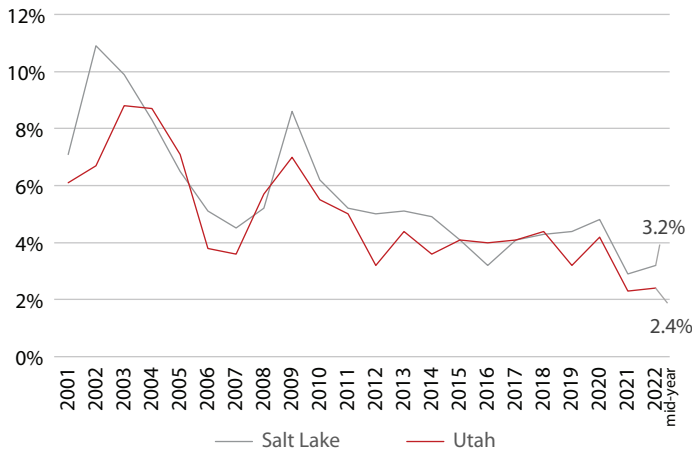
Table 1: Very Low and Extremely Low-Income Renters with Severe Housing Cost Burdens, 2015-2019

(Housing costs $\leq 50\%$ of renter’s income)

County	Extremely Low-Income Renter Households $\leq 30\%$ AMI	Very Low-Income Renter Households 30%-50% AMI	Total Renter Households Income $\leq 50\%$ AMI	Total Renters	% Share of Renters with Incomes $\leq 50\%$ AMI
Salt Lake	16,795	5,215	22,010	123,265	17.9%
Utah	7,435	2,195	9,630	53,700	17.9%
Weber	3,320	430	3,750	22,235	16.9%
Davis	3,035	565	3,600	24,035	15.0%
Cache	2,345	440	2,785	14,215	19.6%
Washington	1,675	955	2,630	16,915	15.5%
Iron	1030	110	1,140	6,130	18.6%
Summit	435	145	580	3,215	18.0%
Box Elder	445	80	525	3,905	13.4%
Tooele	330	180	510	3,900	13.1%
Carbon	415	65	480	2,055	23.4%
Wasatch	270	145	415	2,670	15.5%
Sanpete	300	45	345	1,925	17.9%
Uintah	315	4	319	2,545	12.5%
Duchesne	275	35	310	1,705	18.2%
Grand	90	170	260	1,460	17.8%
Sevier	155	10	165	1,610	10.2%
Kane	80	10	90	595	15.1%
San Juan	75	10	85	835	10.2%
Beaver	75	4	79	590	13.4%
Emery	75	0	75	845	8.9%
Millard	60	10	70	1,105	6.3%
Garfield	30	30	60	360	16.7%
Juab	40	0	40	745	5.4%
Morgan	15	0	15	495	3.0%
Wayne	15	0	15	260	5.8%
Rich	15	0	15	180	8.3%
Piute	10	0	10	85	11.8%
Daggett	0	0	0	20	0.0%
Total	39,155	10,853	50,008	291,600	17.1%

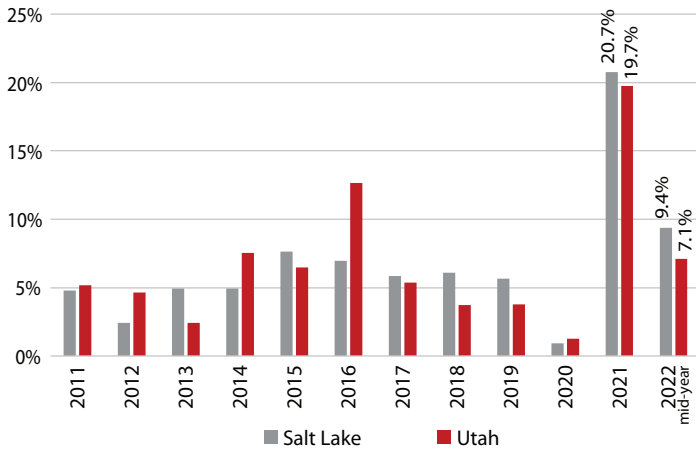
Source: HUD CHAS 2015-2019

Figure 1: Rental Vacancy Rates in Salt Lake and Utah Counties, 2001-2022 (mid-year)



Source: Greater Salt Lake Area Multifamily Market, CBRE, 2022

Figure 2: Annual Percent Increase in Rental Rates in Salt Lake and Utah Counties, 2011-2022 (mid-year)



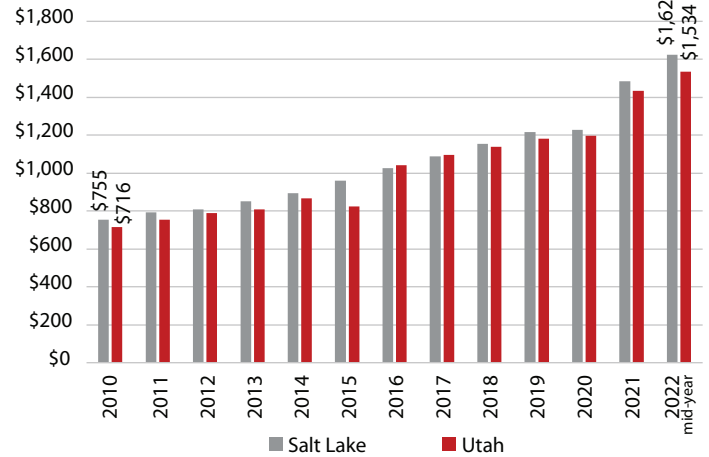
Source: Greater Salt Lake Area Multifamily Market, CBRE, 2022

Low Vacancy Rates and High Rental Rates

In the past two years, the rental vacancy rates in Salt Lake and Utah counties (the state’s two largest apartment markets) dropped to historically low levels of 2-3%. These low rates follow nine years of vacancy rates below 4% (Figure 1). The 2014 to 2022 period marks the longest stretch of rental shortages in the counties’ histories.

Low vacancy rates inevitably lead to higher rental rates as shown in Figures 2 and 3. The average overall rental rates in each county doubled since 2012, and rates rose by about 30% in the past two years (2020 to 2022 mid-year). Since 2012, renter income grew at about half the pace of rental rates. From 2012 to 2021, the median income of renters in Salt Lake and Utah counties increased by about 50%, while rental rates doubled.¹

Figure 3: Average Rental Rates in Salt Lake and Utah Counties, 2010-2022 (mid-year)



Source: Greater Salt Lake Area Multifamily Market, CBRE, 2022

Table 2: Projected Annual Labor Demand by Minimum Education Level, 2020-2026

Education Level	% of Annual Demand
High school diploma or equivalent	39.2%
No formal educational credential	29.4%
Bachelor’s degree	17.2%
Postsecondary certificate	6.3%
Some college no degree	2.6%
Doctoral or professional degree	2.0%
Associate degree	1.9%
Master’s degree	1.5%

Source: “An Analysis of Labor Supply and Demand in Utah,” (September 2019) Kem C. Gardner Policy Institute and Utah Department of Workforce Services.

Job Growth in Relatively Low Paying Jobs

The demand for affordable housing is expected to grow as future job growth concentrates in low-wage jobs. “The Utah Department of Workforce Services projects that nearly 70% of annual job openings from 2020 to 2026 will center on occupations typically requiring at most a high school diploma”² (Table 2). Jobs that required only a high school diploma or no formal education will generally be low paying jobs. Thus, the rising share of workers in low wage jobs will lead to a greater need for affordable housing.

The State's Expanding Role in Affordable Housing Programs

Utah's Housing and Community Development Division (HCDD) within the Department of Workforce Services is the primary state agency overseeing housing programs. The division administers the Section 8 Landlord Incentive Program, the development of tools to assess municipal housing needs, and the Olene Walker Housing Loan Fund (OWHLF). The OWHLF, established in 1995, is Utah's main state-funded housing program (discussed on p. 12)

H.B. 347 (2021) expanded the state's administrative and funding role related to housing programs. This bill created the Office of Homeless Services (OHS) and was the culmination of four years of legislative activity targeting homelessness. During this four-year period, the Utah Legislature passed several bills that provided support for affordable housing. In 2023, the Legislature further expanded housing funding and policies. The historical chronology outlined below gives a brief description of these legislative achievements.

Chronology of Housing Legislation

- **H.B. 295 Providing Affordable Housing (1996 General Session)** – H.B. 295 was the first substantive affordable housing bill passed by the Utah Legislature. This bill directed municipalities to create a plan for housing moderate-income households. Municipalities also needed to assess their need for affordable housing annually and evaluate zoning practices to better implement affordable housing plans. This bill allocated \$250,000 for the state to help municipalities meet these requirements.
- **Hiatus from housing legislation (1996 to 2017)** – From 1996 to 2017 the Legislature did not create any notable affordable housing or related programs. By 2016, however, there was a growing concern that a shortage of affordable housing and increasing homelessness could become serious problems in the state. Since then, the Legislature has passed a number of bills related to homelessness and housing affordability.
- **H.B. 441 Housing and Homeless Reform Initiative Amendments (2017 General Session)** – Following the Great Recession, Utah experienced an increase in its homeless population. The Legislature passed H.B. 441 in the 2017 General Session to address the growing need for homeless aid. This bill provided the Homeless to Housing Reform Restricted Account with \$10.1 million to open three new resource shelters that could house 700 people each. The bill also closed the largest shelter in Salt Lake County, which provided shelter for up to 1,100 people.
- **H.B. 430 Affordable Housing Amendment creates Commission on Housing Affordability (2018 General Session)** – H.B. 430 created a Commission on Housing Affordability. The commission consists of 20 members, including three legislators, directors from various state agencies and municipalities, and 12 members appointed by the governor from the home building and real estate development community. The commission provides recommendations for affordable housing legislation. In 2022, the Legislature modified the commission's membership and repealed the sunset provision.
- **S.B. 34 Affordable Housing Modifications (2019 General Session)** – In 2019, the Legislature passed S.B. 34, "Affordable Housing Modifications," which changed the state code to require every local community's general plan to include three components: (1) land use, (2) transportation, and (3) moderate-income housing. This provision was originally outlined in H.B. 295, which was passed 23 years prior to S.B. 34. The new bill provides additional direction and detail for moderate-income housing development, broadens some requirements to all cities, and requires specific communities to provide more robust housing strategies and an annual report on the implementation of those strategies.
- **S.B. 39 and the Utah Housing Preservation Fund (\$10 million to OWHLF, 2020 General Session)** – S.B. 39 "Affordable Housing Modifications" provided the largest, one-time General Fund appropriation to OWHLF since its creation in 1995. OWHLF received a \$10 million appropriation, half of which was for gap financing on private activity bond-financed multifamily housing, and the other half to match private dollars for the preservation or construction of affordable housing. The private match funds came from the Utah Housing Preservation Fund started by a \$20 million joint commitment from the Ivory Foundation, Intermountain Health, and Zions Bank. The fund specifically works to maintain and preserve affordable rental units aging out of assistance programs as well as naturally occurring affordable housing. The Utah Non-Profit Housing Corporation manages the fund, which continues to grow with the support of significant private investment from Utah's business and philanthropic community. Interestingly, a June 2020 special legislative session, called due to the COVID-19 pandemic, reduced the \$10 million appropriation by 50%.

- **H.B. 82 Single-family Housing Modifications (2021 General Session)** – H.B. 82 made prohibiting most accessory dwelling units (ADUs) by municipalities and counties illegal. This change in zoning law is intended to increase the number of affordable “mother-in-law” apartments, which are less expensive and easier to build than new houses or apartment buildings. The legislation also includes provisions to limit the use of ADUs as short-term rentals.
- **S.B. 217 Housing and Transit Reinvestment Zone Act (2021 General Session)** – S.B. 217 enacted the Housing and Transit Reinvestment Zone Act, which established objectives and requirements for a municipality or public transit county to create a housing and transit reinvestment zone. Tax increment financing provides funding for the reinvestment zone. The objective is to promote transit-oriented development that, in turn, increases the availability of affordable housing near public transportation locations.
- **H.B. 347 Homeless Services Modification (2021 General Session)** – H.B. 347 created the Utah Homelessness Council. This bill also centralized and coordinated services for the homeless under the direction of the state homelessness coordinator.
- **S.B. 238 “Homeless Services Modifications” (2022 General Session)** – S.B. 238 included the largest allocation for homeless services and affordable housing in Utah’s history. This bill allocated \$55 million of American Rescue Plan Funds to the Department of Workforce Services to fund affordable housing projects in response to the COVID-19 pandemic. These funds will provide an estimated 1,078 affordable units across Utah.
- **H.B. 440 Homeless Services Amendments (2022 General Session)** – H.B. 440 allows certain municipalities to receive increased funding from the Homeless Shelter Cities Mitigation Restricted Account. The funds mitigate the impact of homeless shelters and established a formula for the disbursement of funds.

Summary of 2023 General Session Housing Legislation

The 2023 legislative response to Utah’s high housing costs culminated with the passage of six housing-related bills and significant funding for housing programs. The session likely ranks as the most productive for housing assistance. The legislation (listed below) provides assistance to the homeless, first-time homebuyers, low-income housing developers, and home builders.

- **S.B. 174 Local Land Use and Development Revisions (2023 General Session)** – This bill streamlines city and county subdivision processes by limiting subdivision requests to only one public hearing. If the application complies with existing zoning requirements, city officials are required to approve it with no subsequent public hearings.
- **S.B. 199 Local Land Use Amendment (2023 General Session)** – S.B. 199 prohibits municipal residents from challenging, through referendum, a municipal council’s unanimous approval of a housing development.
- **S.B. 240 First-Time Homebuyer Assistance Program (2023 General Session)** – This bill sets aside \$50 million to help first-time homebuyers purchase newly constructed homes. The new single-family home, condominium, or townhome can cost no more than \$450,000. The state can provide a loan up to \$20,000 for down payment assistance, closing costs, or buying down the interest rate. The loan is a lien on the home and would be paid back if the owner refinances or sells the house. The program has the potential to assist at least 2,500 homebuyers.
- **H.B. 364 Housing Affordability Amendment (2023 General Session)** – H.B. 364 expands the state tax credit program from \$1.2 million in 2022, to \$10 million annually from January 1, 2023 to December 31, 2028. The allocation period for state tax credit projects remains at 10 years, therefore a \$1 million dollar allocation in 2023 would become a \$10 million tax credit in the aggregate (over the 10-year period).

■ **H.B. 499 Homeless Services Amendments (2023 General Session)** – H.B. 499 provides funding to increase homeless shelter options during the winter months and creates an emergency response plan during freezing temperatures. The bill requires each Wasatch Front County to convene a county winter response task force for the purpose of preparing a winter response plan. The legislation also requires Wasatch Front counties to provide shelter(s) for the homeless during winter months. The legislation modifies the formula used by the Office of Homeless Services to disburse funds from the Homeless Shelter Cities Mitigation Restricted Account and prohibits a municipality from receiving funds from the account if the municipality does not enforce an ordinance that prohibits homeless camping.

Selected Appropriations for Housing Programs, FY 2024

Office of Homeless Services:

- \$50 million (one-time) for deeply affordable housing.
 - \$20 million from General Fund.
 - \$30 million from federal funds (American Rescue Plan Act)
- \$5 million (on-going) for attainable housing grants.
 - Gap financing for deeply affordable projects (grants to projects, not renters; to assist with rent flow; similar to project-based housing).

- \$12 million (on-going) dedicated to Office of Homeless Services for shelter operations, winter response, request for grant applications, and non-congregate shelters.
- \$1 million (one-time) for shelter planning of non-congregate shelters.
- \$2.5 million (one-time) for homeless shelter cities mitigation reform restricted account.

Department of Workforce Services:

- \$10 million (one-time) for Utah Housing Preservation Fund.
- \$10 million (on-going) for state tax credits for low-income housing.

Summary of Utah Housing Legislation 1995 to 2023

Since the passage of H.B. 295 (1996), housing-related legislation in Utah has targeted five areas: (1) new construction and preservation of affordable housing, (2) administrative policies and support, (3) homeless assistance, (4) affordable housing and public transportation, and (5) municipal zoning ordinances. Table 3 summarizes the legislation.

Table 3: Major Legislation Supporting Utah State Housing Programs, 1995-2023

New Construction and Preservation of Affordable Housing	Administrative Policies and Support	Homeless Assistance	Affordable Housing and Public Transportation	Municipal Zoning Ordinances
Annual funding of Olene Walker Housing Loan Fund (established 1985, annual state funding (1995))	H.B. 295 requires the needs assessment of municipalities (1996)	H.B. 441 initial funding for new homeless resource centers (2017)	S.B. 217 establishes requirements for municipalities to create reinvestment zones at TODs with tax increment financing (2021)	H.B. 82 made it illegal in most cases for cities to prohibit the development of accessory dwelling units. (2021)
S.B. 39 additional one-time funding for OWHLF and creation of the Utah Housing Preservation Fund (2020)	H.B. 430 creates Commission on Affordable Housing (2018)	H.B. 347 creates the Office of Homeless Services and the Utah Homelessness Council. (2021)		S.B. 174 streamlines the subdivision process (2023)
S.B. 238 provides \$55 million in federal funds to develop deeply affordable housing (2022)	S.B. 34 requires the municipality's general plan to include provisions for moderate-income housing (2019)	S.B. 238 provides \$55 million in federal funds for deeply affordable housing (2022)		S.B. 199 limits referendums challenging housing development (2023)
S.B. 240 provides loans to first-time homebuyers (2023)	H.B. 347 creates the Office of Homeless Services (2021)	H.B. 440 provides increase in funds for municipalities with shelters and allows capacity increases for shelters (2022)		
H.B. 364 expands to state tax credit program from \$1.2 million annually to \$10 million (2023)		H.B. 499 funding for increased homeless shelter services during winter months. (2023)		
		H.B. 359 allowing eviction expungement if both parties agree (2022)		

Source: Kem C. Gardner Policy Institute and Utah Housing Coalition

Table 4: States with Rental Assistance Programs Entirely Funded by the State, as of 2020

State	Rental Assistance	Types of Rental Assistance			
		Short-Term	Transitional	Long-Term	Vouchers
Alabama					
Alaska	■		■	■	
Arizona	■		■	■	■
Arkansas					
California	■		■		
Colorado					
Connecticut	■			■	
Delaware	■			■	■
Florida	■		■		
Georgia	■			■	■
Hawaii	■			■	■
Idaho	■		■		
Illinois	■		■	■	■
Indiana					
Iowa	■		■	■	■
Kansas					
Kentucky					
Louisiana					
Maine	■		■		
Maryland					
Massachusetts	■	■	■	■	■
Michigan					
Minnesota	■		■	■	■
Mississippi	■		■		
Missouri	■	■			

State	Rental Assistance	Types of Rental Assistance			
		Short-Term	Transitional	Long-Term	Vouchers
Montana					
Nebraska	■			■	■
Nevada	■	■			
New Hampshire	■		■		
New Jersey	■	■		■	■
New Mexico	■	■	■	■	■
New York	■			■	
North Carolina	■			■	■
North Dakota	■		■		
Ohio					
Oklahoma					
Oregon	■		■		
Pennsylvania	■	■	■		
Rhode Island	■		■	■	■
South Carolina					
South Dakota					
Tennessee	■	■	■		
Texas					
Utah					
Vermont	■		■	■	■
Virginia					
Washington	■			■	
West Virginia					
Wisconsin	■	■			
Wyoming					

Source: State websites and National Low Income Housing Coalition

Table 5: Vouchers and Waitlists Administered by Public Housing Authorities, 2020

Housing Authority	Vouchers	Waitlist Open	Length of Waitlist	EHV
Beaver City Housing Authority	14	yes	No waitlist	0
Housing Authority of Carbon County	185	yes	18 months	15
Cedar City Housing Authority	277	no	1 year (131 individuals on list)	15
Davis Community Housing Authority	813	no	3 years	0
Emery County Housing Authority	58	yes	12 months	0
Logan City Housing Authority	351	yes	12 to 18 months	0
Myton City Housing Authority (Vernal)	28	yes	18 months	0
Housing Authority of the City of Ogden	1,037	yes	14 months (980 on list)	29
Housing Authority of the City of Provo	884	yes	1-3 years	34
Roosevelt City Housing Authority	63	yes	6 months	0
Housing Authority of Salt Lake City	2,624	no	5 years (5,000 households on list)	99
Housing Connect (Salt Lake County H.A.)	3,102	no	4 years (6,500 on list)	131
Housing Authority of Southeastern Utah	53	yes	No waitlist	0
St. George Housing Authority	256	no	3 years (500 applicants)	21
Tooele County Housing Authority	193	yes	2.5 years	0
Housing Authority of Utah County	1,023	yes	2 years	40
Weber Housing Authority	173	yes	4 years	0
West Valley City Housing Authority	505	yes	4 years	0
Total	11,639			384

EHV = emergency housing vouchers provided by American Rescue Plan (2021) funding.

Source: Kem C. Gardner Policy Institute survey of local housing authorities and U.S. Treasury Department

HUD Housing Choice Section 8 Vouchers

Housing vouchers are the single most effective rental assistance program for very low and extremely low-income households. HUD's Housing Choice Program (Section 8) provides long-term rental assistance to 11,639 Utah households.

At least 35,000 more Utah households qualify for vouchers but do not receive assistance because of limited funding. Most of these households are extremely low-income ($\leq 30\%$ AMI), living in unstable, overcrowded housing conditions, and most likely to experience homelessness. Vouchers are the only housing assistance program that can effectively reach a significant number of these households.

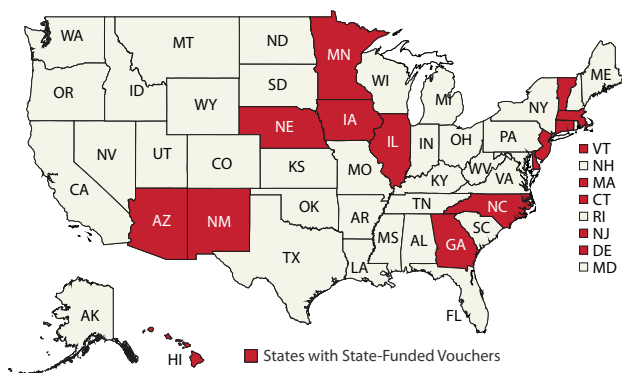
Utah's 18 local public housing authorities administer the federal Housing Choice vouchers (Table 5). Housing Connect (formerly Housing Authority of the County of Salt Lake) administers about 3,100 vouchers, accounting for 27% of all vouchers in the state. The Gardner Institute surveyed all 18 housing authorities regarding the length of their waitlists. Only two housing authorities, Beaver City and Southeastern Utah, have immediate availability. The remaining 16 have waitlists ranging from six months to five years with a hundred to 6,500 individuals on the lists. The length and number of individuals on the waitlists confirm that voucher demand far exceeds supply.

State-Funded Housing Vouchers

The Center on Budget and Policy Priorities reported in 2021 that "only 1 in 4 households that are eligible for a voucher receive any form of federal rental assistance."³ In response to the federal voucher shortage, 14 states have established ongoing annual state-funded voucher programs (Table 6).

The 30-year-old Massachusetts Rental Voucher Program (MRVP) is well-established. The MRVP awards vouchers to a select number of low-income renter households at or below 80% AMI with at least 30% of their income going towards rent and utilities. MRVP has tenant and project-based options and has over \$100 million in funds annually. MRVP is like Connecticut's program, in that they do not restrict vouchers

Figure 5: State-Funded Housing Voucher Programs, as of 2020



Source: State websites and National Low Income Housing Coalition

to special needs populations; however, they do give priority to the homeless. Eleven other state programs prioritize the homeless, mentally ill, youth aging out of foster care, elderly, and victims of domestic violence. Table 6 provides greater detail on these state programs.

State-Funded Short-Term Housing Assistance Programs

In addition to the 14 state-funded voucher programs, eight states have short-term housing programs funded entirely by ongoing state revenues (Table 7). A substantial share of the assistance available in the short-term programs goes directly to the renter. Short-term programs focus on preventing homelessness and often include variations of eviction prevention programs, which in some cases are limited to special needs populations, youth, and the mentally ill.

Below is a brief description of each state-funded program. Utah has provided funding and support for short-term housing assistance over the past several years, which includes a significant share of federal funding.

State-Funded Transitional Housing Assistance Programs

Nineteen states have transitional housing programs funded exclusively by ongoing state revenue (Table 8). Most transitional housing programs provide temporary housing assistance for the homeless or those at risk of homelessness.⁴ Length of stay varies from a few weeks to a few years. Housing assistance is available for a rental unit (both single units and multifamily unit structures). Many programs are described as rapid rehousing, transitioning individuals from unstable housing conditions to stable housing conditions. These transitions often include support services such as mental and substance use disorder treatment, employment, and financial counseling.

Several transitional programs offer assistance to special needs populations other than the homeless— youth aging out of foster care, individuals with serious and persistent mental illness exiting care facilities or state institutions, individuals exiting substance use residential facilities, individuals released from incarceration, and victims of domestic violence. Rather than focusing on individuals, some programs provide operating funds to organizations assisting the homeless (e.g., shelters, food pantries). Table 8 provides a brief description of each state-funded program.

Although state-funded housing programs generally play a secondary role to federally and locally funded programs, they provide targeted support for the lowest income and most difficult-to-reach special needs populations. Consequently, state programs augment and complement the more traditional federal and local housing assistance programs.

Table 6: Characteristics of State-Funded Housing Voucher Programs, as of 2020

State	Name	Income Target	Funding Source	Special Needs Populations	Tenant Based	Project Based	Required Share of Tenant	Level of Funding	Year Est.
AZ	Bridge Subsidy Program	≤30% AMI	State	Individuals with serious mental illness. Participants expected to transition eventually to Federal Housing Choice vouchers.	yes	no	Tenants pay 30%-40% of their income	\$8 million	pre-2016
CT	Rental Assistance Program (RAP)	≤50% AMI	State	None	yes	no	40% of rent and utilities, 30% for the elderly and disabled	\$64 million	---
DE	State Rental Assistance Program (SRAP)	40% AMI	State	Youth exiting foster care, individuals exiting long-term care facilities.	yes	no	28% of tenant's income	\$6 million	2011
GA	Housing Voucher and Bridge Program	Three times the SSI federal benefit level	State	Supportive housing to individuals with mental illness. The program focuses on chronically homeless, mentally ill individuals.	yes	no	30% of the tenant's income	\$17.4 million	Pre-2014
HI	Rent Supplement Program	≤80% AMI	State	None specified.	yes	no	30% of the tenant's income	\$1.5 million	pre-2016
IL	Rental Housing Support Program	≤30% AMI, 50% of resources for households at ≤15% AMI	State	Homeless or at risk of homelessness, elderly.	no	yes	30% of income	\$9.8 million	2005
	Bridge Subsidy Program	---	State	Individuals with serious mental illness living in an institutional setting. Applicants must be on the waiting list for federal vouchers.	yes	no	30% of tenant's income	\$9.9 million	pre-2018
IA	Home and Community-Based Services Rent Subsidy Program	≤30% AMI	State	Assistance for people who receive medical services through Medicaid 1915c waivers. To qualify, patients must qualify for care in an institution.	yes	no	30% of the tenant's income	\$600,000	---
MA	Rental Voucher Program (MRVP)	≤80% AMI	State	General but priority to homeless or at risk of homelessness and victims of domestic violence.	yes	yes	30% to 40% of tenant's income	\$115 million in 2020	1992
	Alternative Housing Voucher Program (AHVP)	≤80% AMI	State	Non-elderly disabled persons. At least one member of the household must be less than 60 years old and disabled. Homeless or risk of homelessness, victims of domestic violence, mental illness.	yes	no	25% to 30% of tenant's income	\$8 million in 2020	1995
MN	Supplemental Housing Assistance	Housing costs greater than 40% of income	State	Under 65 years of age, relocating from an institution, or eligible for Medical Assistance personal care attendant services. Disabled individuals.	yes	no	40% of the tenant's income	\$43.5 million	pre-2017
	Bridge Assistance	≤50% AMI	State	Individuals with serious mental illness. The highest priority is given to individuals discharged from an inpatient mental health setting.	yes	no	30% of the tenant's income	\$8.1 million	pre-2019
NE	Housing Related Assistance Program	≤30% AMI	State	Adults with serious mental illness.	yes	no	30% of the tenant's income	\$2.9 million	2006
NJ	State Rental Assistance Program (SRAP)	75% of participants at ≤30% AMI, and the remaining participants at ≤40% AMI	State, including the Affordable Housing Trust Fund	General but also homeless or at risk of homelessness, persons with disabilities, and the elderly.	yes	yes	30% of the tenant's income	\$18.5 million from the Gen. Fund and \$20 million from the Housing Trust Fund	Pre-2018
NM	Linkages Supportive Housing Rental Assistance	≤30% AMI	Funded by the State's Behavioral Health Collaborative	Homeless adults with serious mental illness.	yes	no	30% of the tenant's income	\$2.8 million	2007
	Transition Supportive Housing	≤30% AMI	State	Voucher for mentally ill youth aging out of foster care.	yes	no	30% of the tenant's income	\$900,000	2007
NC	Key Rental Assistance	≤30% AMI	State	Persons who are disabled and/or experiencing homelessness with extremely low incomes.	yes	no	25% of the tenant's income, 30% if the landlord pays utilities	\$5.5 million	2004
VT	Housing Support Fund for Housing Subsidy	≤30% AMI	State	Persons with serious and persistent mental illness enrolled in the Community Rehabilitation and Treatment Program.	yes	no	30% of tenant's	\$27.2 million	1988

Source: State websites and National Low Income Housing Coalition

Table 7: Short-Term Rental Assistance Programs, as of 2020

State	Program Description
Massachusetts	<i>Residential Assistance for Families in Transition (RAFT)</i> – Homeless prevention program for households who are at risk of becoming homeless. Most assistance is in the form of one-time payments. Can fund up to \$4,000 per household to prevent homelessness.
Missouri	<i>Rental Assistance Program</i> – Provides funds for one-time payments that restore housing stability by paying off rent and utilities in arrears. Assisted households must be receiving mental health or substance use disorder services.
Nevada	<i>Welfare Set Aside Program</i> – Funds allocated to local government to assist eligible persons or families with housing needs. Participants must have income under 60% AMI. Funds targeted for the homeless or those at risk of homelessness.
New Jersey	<i>Homeless Prevention Program</i> - Provides limited financial assistance to low and moderate-income renters in imminent danger of eviction due to temporary financial problems.
New Mexico	<i>Move-In Assistance and Eviction Prevention</i> - Provides assistance to qualified households for rent, damage deposits, and utility deposits. Applicants must have documented serious and persistent mental illness or co-occurring substance use disorder.
Pennsylvania	<i>Housing Assistance Program</i> - Offers a variety of supportive services to families experiencing or at risk of homelessness.
Tennessee	<i>Children and Youth Homeless Outreach Project</i> - Provides outreach and case management for homeless families or those at risk of homelessness and identifies youth with severe emotional disturbance. The program assists parents in securing needed mental health services for their children.
Wisconsin	<i>Housing Assistance Program</i> - Provides funds for housing, support services, and administrative costs to facilitate the movement of homeless individuals and families to independent living.

Source: National Low-Income Housing Coalition

Table 8: State-Funded Transitional Housing Programs, as of 2020

State	Program Description
Alaska	<i>Homeless Assistance Program (HAP)</i> – Provides operating support for Emergency Shelters, Transitional Housing, and Rapid Rehousing and Prevention Programs. The purpose of the HAP program is to support activities that prevent displacement from permanent, affordable housing and rapidly return displaced persons to permanent housing while also providing safe temporary housing. The program is funded through state capital funds.
Arizona	<i>Arizona State Housing Fund</i> – Provides funds for Rapid Rehousing, which is currently in its third year of operation. Households seeking assistance in this program must meet the HUD definition of homeless. The program provides 6-9 months of financial assistance and supportive services for up to a year to assist a household at ≤30% AMI to become independent and take over the rent.
California	<i>California Emergency Solutions and Housing Program</i> – Provides funds for five primary activities: (1) housing relocation and stabilization services (including rental assistance), (2) operating subsidies for permanent housing, (3) flexible housing subsidy funds, (4) operating support for emergency housing interventions, and (5) systems support for homeless services and housing delivery systems.
Idaho	<i>Transition Funding Program</i> - Provides housing assistance for individuals transitioning out of the correctional system. The program is aimed at preventing recidivism. Funds may be used to assist with rent payments and living expenses for up to 30 days.
Illinois	<i>Emergency and Transitional Housing Program</i> – Provides comprehensive shelter services to homeless persons and persons at risk of becoming homeless. The program provides funding for meals, shelter, and support services to not-for-profit organizations and local governments.
Illinois	<i>Homeless Youth Services</i> - Participants must be homeless youth. The program is designed to increase the safety of youth, ensuring their basic need while also providing safe and stable housing.
Iowa	<i>Aftercare Rent Subsidy Program</i> – Provides support for youth who are aging out of foster care and are participating in the Aftercare Services Program. The youth must be an active participant in aftercare services, making progress toward an identified goal of obtaining or maintaining stable housing.
Maine	<i>Bridging Rental Assistance Program (BRAP)</i> – Provides transitional rental subsidy for persons suffering from serious and persistent mental illness. Participants pay 51% of their income towards rent.
Massachusetts	<i>HomeBASE</i> – Provides housing assistance for rehousing families in the Emergency Assistance (EA) program and eligible families in domestic violence shelters and residential substance use treatment programs. HomeBASE provides up to \$10,000 in eligible rehousing expenses over a 12-month period.
Minnesota	<i>Transitional Housing Program</i> - Provides support to agencies that provide housing and supportive services for homeless individuals and families. The agencies provide case management and rental assistance in the form of tenant or project-based assistance to people who are homeless. Funding can also be used for an agency's operating and service costs. Assistance is limited to 24 months and has no income restrictions.
Mississippi	<i>Creating Housing Options in Communities for Everyone (CHOICE)</i> - The program provides assistance to individuals being discharged from a state psychiatric hospital after a stay of more than 90 days. It also assists individuals with intellectual disabilities leaving a nursing facility or intermediate care facility after a stay of more than 90 days.
New Hampshire	<i>Homeless Housing and Access Revolving Loan Fund</i> - Loans for first month rent and security deposit for homeless individuals. Participants must be residing in a shelter. Repayment shall commence no later than 120 days after the loan is disbursed.
New Mexico	<i>Crisis Housing Program</i> - Provides temporary, transitional housing for persons with serious mental illness being discharged from psychiatric centers, hospitals, jails, or other institutional settings who would otherwise be homeless. The program offers a 120-day maximum stay in short-term housing with support services.

North Dakota	<i>North Dakota Homeless Grant</i> - Provides financial assistance to facilities and programs within North Dakota to identify sheltered and unsheltered homeless persons at risk of homelessness. Grants help fund the services necessary to help those persons experiencing a housing crisis regain stability in permanent housing.
Oregon	<i>Emergency Housing Assistance (EHA)</i> - EHA funds are designed to prevent and reduce homelessness. Eligible uses are street outreach, homelessness prevention, rapid re-housing, emergency, and transitional shelter, supportive in-home services, data collection, and community capacity building.
Pennsylvania	<i>Nursing Home Transition (NHT) Tenant-Based Rental Assistance</i> – Provides housing funds for people transitioning out of institutional housing. The NHT Program was developed to assist individuals who want to move from a nursing facility back to a home of their choice in the community.
Rhode Island	<i>The State Rental Assistance Program</i> – Provides funding to help the chronically homeless achieve housing stability. The primary goal is to address the barriers and challenges that cause individuals and families to be chronically homeless while also working to stabilize program participants in housing through the provision of wraparound services after the family or individual obtains housing.
Tennessee	<i>The Inpatient Targeted Transitional</i> – Provides funding to assist persons awaiting discharge from regional mental health institutes. The program gives temporary financial assistance for up to 6 months of rental and utility payments, transportation, medication co-pay, etc.
Vermont	<i>Vermont Rental Subsidy Program</i> – Provides funds for a state-funded rapid rehousing initiative providing rental assistance to households experiencing homelessness whose monthly income would otherwise be insufficient to afford a rental unit.

Source: National Low-Income Housing Coalition

State Housing Trusts

Forty-seven states and the District of Columbia have at least one state housing trust fund, which provides a dedicated revenue source for affordable housing. In total, these housing trust funds had \$2.3 billion in 2022, effectively leveraging funds to increase the supply of affordable housing. While there are hundreds of local housing trust funds (that work in partnership with national and state housing trust funds), this section discusses state-level housing trust funds.

Trust funds typically fund the preservation and building of low-income and affordable units. To receive aid, most projects must provide a certain amount of housing for people earning 80%, 50%, or 30% of AMI. Typically, the fund provides rental assistance or loans for disabled persons and the elderly. Some states allow low-income renters to apply for assistance directly through the housing trust fund, although this is rare.

State housing trust funds have multiple revenue sources and a variety of funding structures.⁵ Some are self-sustaining and do not require regular state government allocations. Others receive annual funding from their state legislature. The size and scope of most housing trust funds reflect the state’s affordable housing need. Most have a dedicated funding source (such as a tax or fee) that provides the fund’s annual allocation. The two most popular dedicated funding sources for state housing trusts are a document recording fee and the real estate transfer tax. A document recording fee is usually \$80 to \$100 and paid at the time of sale. A real estate transfer tax can be a flat fee or an ad valorem tax (based on value) up to 2% of the cost of the home. Interest on real estate escrow accounts also provides funding for some trusts. These funding sources, along with federal funds and payments on current loans, make up the budget for most states’ housing trusts.

Olene Walker Housing Loan Fund (OWHLF)

Utah’s state housing trust fund, the Olene Walker Housing Loan Fund, was established in 1995 and reclassified as a loan fund in 2001. In 2003, the Legislature allowed the fund to provide loans and grants to develop affordable housing. OWHLF funds four programs: (1) the multifamily program, (2) the Single-Family Rehabilitation & Reconstruction Program, (3) the Home Choice program (for individuals with disabilities), and (4) individual development accounts.⁶ Annually, 15% of allocated federal HOME funds must be set-aside for community housing development organizations (CHDO).

Table 9: Annual State General Fund Appropriations for the Olene Walker Housing Loan Fund, 1995-2023

Year	State Funding	Year	State Funding
1995	\$ 2,400,000	2010	\$ 2,295,700
1996	\$ 2,500,000	2011	\$ 2,242,900
1997	\$ 3,500,000	2012	\$ 2,242,900
1998	\$ 2,250,000	2013	\$ 2,242,900
1999	\$ 2,500,000	2014	\$ 2,242,900
2000	\$ 1,500,000	2015	\$ 2,242,900
2001	\$ 2,000,000	2016	\$ 3,242,900
2002	\$ 2,313,000	2017	\$ 2,242,900
2003	\$ 2,525,000	2018	\$ 4,803,900
2004	\$ 2,084,500	2019	\$ 2,242,900
2005	\$ 2,284,500	2020	\$ 2,242,900
2006	\$ 2,836,400	2021	\$ 2,242,900
2007	\$ 3,286,400	2022	\$ 2,242,900
2008	\$ 2,736,400	2023	\$ 2,242,900
2009	\$ 3,246,400		

Source: Olene Walker Housing Loan Fund

OWHLF receives funding from state general revenue, the federal HOME Investment Partnerships Program, the federal National Housing Trust Fund (HTF), and payments on outstanding loans. Since 2010, the state appropriates about \$2.2 million annually from the General Fund (Table 9). Each year the fund typically receives another \$3 million to \$5 million in non-state-funded support. OWHLF reports that each dollar spent in 2021 was leveraged to \$31.38. Over the last 27 years, 24,561 affordable units have been funded by OWHLF.

In 2020 and 2021 (during the COVID-19 pandemic), Utah received federal money from the CARES Act to support the homeless population. The OWHLF received \$13 million of CARES Act funding in 2020 and 2021 and received another \$44.6 million from the American Rescue Plan in 2022.

A Comparison of State Trust Funds

Utah ranks 21st among the 24 states with publicly available data on state funded housing trusts (Table 10). Fifteen of the state housing trust funds rely on a document recording fee, 11 on a real estate transfer tax, and five on a real estate escrow tax. Of the funds with publicly available data, the vast majority received more state funding than the OWHLF in 2022, although it should be noted that many of these states also have larger populations. The amount of state funding in the 24 state trusts was disaggregated from other sources of revenue, then compared and ranked on a state-by-state basis (Table 10). Sixteen additional states have trust funds, but the amount of state funding could not be determined due to the combining of funds with other sources of revenue (Table 11).

While Utah does not have the same scale of affordable housing needs as larger states, most other states have additional programs beyond their housing trust fund to provide low-income housing. Until recently, Utah relied on the OWHLF to provide most of the state-funded affordable housing assistance. Starting in 2017, however, the Utah State Legislature appropriated over \$100 million in assistance to homeless programs and \$56.5 million to the Utah Housing Preservation Fund (a large share of this recent funding, particularly for homeless programs, were federal dollars provided by the CARES Act and the American Rescue Plan).

Real Estate Transfer Tax

Many states use a real estate transfer tax as a source of ongoing revenue for their housing trust funds. The tax is imposed on the sale of residential and commercial property and is equivalent to a sales tax on the transfer of a property's title and deed. The seller officially pays the tax in several states but that is negotiable and may differ from who bears the economic burden of the tax. Thirty-five states have a real estate transfer tax (Figure 6). The average transfer tax rate is 0.004% (Table 12).

Table 10: State Funding Levels for Housing Trust Funds, 2022

State	Funding Source	State Funding
New York	General Fund	\$194,751,071
Florida	Documentary stamp taxes	\$62,500,000
Pennsylvania	Realty transfer tax, document recording fees	\$39,123,701
Louisiana	Initial surplus funds	\$20,123,000
Delaware	Document recording fees, General Fund	\$18,000,000
Maine	Real estate transfer tax	\$13,260,000
Illinois	Real estate transfer tax	\$11,584,000
Connecticut	Document recording fees	\$10,909,733
Vermont	Real estate transfer tax	\$10,800,000
Nevada	Real estate transfer tax	\$10,404,597
Iowa	Real estate transfer tax	\$9,434,060
New Mexico	2.5% of annual severance tax bond capacity	\$9,000,000
Arizona	State Unclaimed Property Fund	\$6,000,000
South Dakota	Corporate excise tax	\$5,394,456
Kentucky	Document recording fees	\$5,084,000
New Hampshire	Other	\$5,000,000
Texas	General Revenue	\$4,736,262
Missouri	Document recording fees	\$4,093,799
Georgia	General Fund	\$2,962,892
Indiana	Program income, smokeless tobacco tax	\$2,648,305
Utah	General Fund	\$2,242,900
Kansas	Bond and fee revenues	\$2,000,000
Maryland	Interest on title escrow accounts	\$1,984,396
Wisconsin	Interest on real estate escrow account	\$250,000

Source: Kem C. Gardner Policy Institute survey of states

Table 11: States with Trust Funds but Undetermined State Funding, as of 2022

State	Funding Source
California	Document filing fees
Colorado	Vendor fees
Hawaii	Real estate conveyance tax
Massachusetts	G.O. bonds, document recording fees
Michigan	General Fund
Minnesota	Interest on real estate escrow
Nebraska	Documentary stamp taxes
New Jersey	Realty transfer tax
North Carolina	General Fund
North Dakota	Tax credit contributions
Ohio	Document recording fees
Oklahoma	Initial capitalization appropriations
Oregon	Public purpose funds, interest, and fees
Tennessee	Tennessee housing development authority funds
Virginia	General Fund
Washington	Interest on escrow accounts, document recording fees

Source: Kem C. Gardner Policy Institute survey of states

Table 13: Revenue Allocation of Real Estate Transfer Taxes by State, 2020

(States in bold allocate at least some of the tax revenue to affordable housing)

State	Revenue Allocation
Alabama	Allocated to county and state treasury.
Arkansas	Allocated for open space, recreation, and preservation, Arkansas Natural and Cultural Resource Grants and Trust Fund.
California	Fifty percent of revenue goes to local governments to update planning documents and zoning ordinances and 50% to support of homeless programs.
Colorado	Allocated to the county treasurer to defray costs incurred for filing, recording, and releasing title or lien to real property.
Connecticut	Revenue split between county (general revenue) and state (General Fund).
Delaware	Seventy-five percent of revenue to the state Division of Revenue and 25% to the state treasurer to be allocated to municipalities and counties where transfers occur.
Florida	Allocated to Land Acquisition Trust Fund, State Transportation Trust Fund, Grants and Donations Trust Fund, and state and local housing trust fund for Florida Affordable Housing Guarantee Program.
Georgia	Allocated proportionally, based on millage rate, to the state and other tax jurisdictions.
Hawaii	Ten percent Land Conservation Fund, 50% or \$38 million, whichever is less, into Rental Housing Revolving Fund, and the remainder to the General Fund.
Illinois	Fifty percent to the Illinois Affordable Housing Trust Fund, 35% to the Open Space Lands Acquisition and Development Fund and 15% to the Natural Areas Acquisition Fund.
Iowa	States portion is allocated at 65% to the State General Fund, 30% to the Housing Trust Fund, and 5% to the Shelter Assistance Fund.
Kentucky	Allocated to county General Fund.
Maine	Allocated to the General Fund, Maine's Housing Opportunities for Maine Fund, and 10% to the county for services in collecting the tax.
Maryland	Allocated to the General Fund.
Massachusetts	Allocated to the state (General Fund) and county where property transfer occurs.
Michigan	Allocated to State School Aid Fund.
Minnesota	Allocated to State General Fund after deduction for counties cost of administration and collection.
Nebraska	Twenty-two percent was allocated to the transferring county, 42% to Affordable Housing Trust Fund, 11% to the Site and Development Fund, 11% to Homeless Shelter Assistance Trust Fund, and 14% to Behavioral Health Services Fund.
Nevada	State portion allocated to the General Fund. County and city portions are allocated for the development of affordable housing.
State	Revenue Allocation
New Hampshire	One-third of transfer tax revenue is allocated to the State Education Trust Fund. Law requires the state treasurer to transfer the sum of \$5,000,000 from the transfer tax revenue to the Affordable Housing Fund.
New Jersey	Allocated to the county to cover the cost of collection and administration, the remainder goes to Shore Protection Fund, Highlands Protection Fund, Neighborhood Preservation Fund, and State General Fund.
New York	First \$119 million of revenue deposited in the Environmental Protection Fund, the remaining revenue in the Clean Water/Clean Air Fund.
North Carolina	State and county each receive 50% of revenue from the transfer tax. State share goes to the State General Fund.
Ohio	Revenue retained by counties.
Oklahoma	County retains revenue for the county's Common School Fund.
Pennsylvania	Allocated to the State General Fund, 15% of the allocation goes to the Keystone Recreation, Park, and Conservation Fund.
Rhode Island	Thirteen percent of revenue is allocated to State Distressed Community Relief Fund, 13% Housing Resources Commission, 26% to the state, and 48% kept by counties.
South Carolina	Eight percent allocated to the Heritage Land Trust Fund, 16% to Housing Trust Fund, and the remaining revenue to the General Fund.
South Dakota	Allocated to county General Funds.
Tennessee	Allocated to county and state land acquisition funds, historical places, state parks, Civil War preservation sites, and abatement of pollution from agricultural activities.
Vermont	First \$2.5 million allocated to Vermont Housing Finance Agency to be used for affordable housing. The remaining revenue is allocated to state's General Fund, county, and Vermont Housing and Conservation Trust Fund.
Virginia	Allocated to the following: Interstate 73 Corridor Development Fund, transportation fund, Washington Metropolitan Transit Authority, county and city transportation funds, and public education.
Washington	Seventeen percent allocated to Education Legacy Trust Account, small amount to cities and counties for administration and collection, and 80% to the General Fund.
West Virginia	Allocated to the General Fund.
Wisconsin	Twenty percent is allocated to counties and 80% to State General Fund.

Bold: States that allocate a portion of the transfer tax revenue to affordable housing programs.

Source: Lincoln Institute of Land Policy

State Tax Credit Programs

Utah's State Tax Credit Program

State tax credits provide an important source of funding for the development of low-income rental housing. In 2022, 25 states had tax credit programs, and another five states have tax credit programs pending (Figure 7). In the 2005 General Session, the Utah Legislature passed H.B. 170 "Extension of Utah Low-Income Housing Tax Credits", making Utah an early state in offering state tax credits. Since 2005, state tax credits have been used in 147 low-income rental housing projects, helping to finance 8,006 affordable rental units with nearly \$26 million in tax credits.⁷

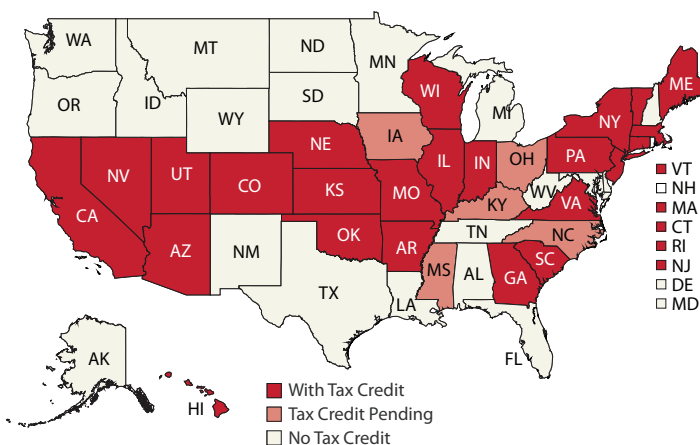
The state credit program is administered by the Utah Housing Corporation (UHC), a quasi-public corporation created in 1975 by the Utah Legislature to assist in financing affordable housing (owner and rental units) for low- and moderate-income households. UHC creates the criteria for state credit awards and has the authority to determine eligible activities, affordability requirements, and most features of the state credit program.

In concept, state credits for low-income rental housing mirror the federal tax credit program. Generally, state tax credits, like federal credits, are sold by the developer to raise equity, reducing the project's financing costs. However, since state tax credits issued in Utah can only be used against state tax liability, the credits sell for less, currently about 65 cents compared to 97 cents for federal credits.⁸

Additional features of Utah's state tax credit program include:

- State tax credits can be used for new construction, rehabilitation, and preservation.
- Additional credits are awarded to projects that have up to 10 units reserved for extremely low-income renters ($\leq 30\%$ AMI).

Figure 7: States with State Tax Credits for Low-Income Housing, as of 2022



Source: Novogradac

- In the past, the annual ceiling of available tax credits each year was determined by multiplying the state's population by 34.5 cents. Using this formula, the ceiling of available credits was \$1.1 million in 2021. In 2023, however, the Utah Legislature approved an expansion of the state tax credit program to \$10 million annually from 2023 to 2029. The annual ceiling of tax credits is divided into two pools; Pool I receives 37% of the available credits and Pool II receives 63%. Pool II's credits are set aside for permanent supportive housing projects.⁹ In the case of permanent supportive housing, the credits can be used for services.
- Most often, state credits are used to reduce individual income tax, corporate franchise, or income taxes.
- State tax credits are only awarded to low-income housing projects that have received federal tax credits.

Comparison of State Programs

In 2021, 25 states issued state tax credits for the development of low-income housing (Table 14). The first state to pass enabling legislation was California in 1988. As noted, Utah passed enabling legislation in 2005. The popularity of state programs has increased in recent years with the addition of nine states since 2017. An additional five states have made proposals to their legislatures. Most state credit programs allow credit for both 4% and 9% tax credit projects.¹⁰

Utah's state credit program has a credit period of 10 years (i.e., the owner of the credits can use the credits against their state tax liability over a 10-year period). Therefore, the tax credits available in Utah in 2021 of about \$1.1 million accrue to \$11 million in credit over the 10-year period. Ten of the 25 states have adopted the 10-year credit period. Four states allow only a one-year credit period.

Although Utah's state tax credit program has been effective in terms of providing incentives for the development of affordable units for extremely low-income renters, the 2020 funding level of \$1.1 million ranked near the bottom among the 25 states with state tax credit programs (Table 15). That said, the Utah Legislature passed several housing-related bills and provided significant funding for housing programs during the 2023 legislative session, including expanding the state tax credit program.

Table 14: Selected Features of State Tax Credit Programs, as of 2021

State	Tax Credits Available in 2020	Credit Period	Type of Credit*	Yr. Established
Arizona	\$4,000,000	10 years	4%, 9%	2021
Arkansas	\$250,000	6 years	4%, 9%	1997
California	\$500,000,000	4 years	4%, 9%	1987
Colorado	\$10,000,000	6 years	4%, 9%	2013
Connecticut	\$10,000,000	10 years	4%, 9%	1988
Georgia	Automatic match to federal credit up to \$29,700,000	10 years	4%, 9%	2001
Hawaii	\$4,000,000	5 years	4%, 9%	2011
Illinois	\$23,620,968	1 year	4%, 9%	2001
Indiana	\$30,000,000 cap starting in 2023	5 years	4%	2022
Iowa	pending	pending	pending	pending
Kansas	Equal to the federal low-income housing tax credit (LIHTC) amount	10 years	4%, 9%	2006
Kentucky	pending	pending		pending
Maine	\$10,000,000	1 year	4%, 9%	2020
Massachusetts	\$40,000,000	5 years	4%, 9%	2004
Mississippi	pending	pending	pending	pending
Missouri	50% of the federal LIHTC amount	10 years	4%, 9%	1997
Nebraska	\$8,000,000	6 years	4%, 9%	2016
Nevada	\$10,000,000	1 year	9%	2019
New Jersey	Amount not reported	TBD	TBD	2021
New Mexico	\$4,000,000	5 years	4%, 9%	2006
New York	\$8,000,000	10 years	4%, 9%	NA
North Carolina	pending	pending	pending	pending
Ohio	pending	pending	pending	pending
Oklahoma	\$4,000,000	10 years	4%, 9%	2014
Pennsylvania	\$10,000,000	10 years	NA	2019
South Carolina	Amount not reported	10 years	4%	2020
Utah	\$1,121,250	10 years	4%, 9%	2005
Vermont	\$4,000,000	5 years	4%, 9%	2000
Virginia	\$60,000,000	1 year	4%, 9%	2021
Wisconsin	\$42,000,000	6 years	4%	2017

*The 4% and 9% low-income housing tax credit programs provide, respectively, 30% and 70% project subsidies for approved low-income projects. The subsidy is derived from the sale by the developer of tax credits. While the program provides a significant subsidy to the developer, the developer gives up significant future rental revenue due to the restricted low rental rates. Source: State websites and Novogradac

Table 15: State Tax Credits Available, 2021

State	Tax Credits Available	State	Tax Credits Available	State	Tax Credits Available	State	Tax Credits Available
California	\$500,000,000	Maine	\$10,000,000	Vermont	\$4,000,000	Iowa	pending
Virginia	\$60,000,000	Nevada	\$10,000,000	Utah	\$1,100,000	Kentucky	pending
Wisconsin	\$42,000,000	Pennsylvania	\$10,000,000	Arkansas	\$250,000	North Carolina	pending
Massachusetts	\$40,000,000	Nebraska	\$8,000,000	Kansas	Equal to the federal LIHTC amount	Ohio	pending
Indiana	\$30,000,000	New York	\$8,000,000	Missouri	50% of the federal LIHTC amount		
Georgia	\$29,700,000	Arizona	\$4,000,000	New Jersey	TBD		
Illinois	\$23,620,968	Hawaii	\$4,000,000	South Carolina	TBD		
Colorado	\$10,000,000	New Mexico	\$4,000,000				
Connecticut	\$10,000,000	Oklahoma	\$4,000,000				

Source: State websites and Novogradac

State Eviction Laws and Policies

Utah's rental housing market has one of the lowest eviction rates in the nation. According to Princeton's Eviction Lab, Utah's eviction rate was 0.9% in 2019 (about 2,700 renters). Of the 47 states reporting eviction data, Utah ranked 38th (Table 16). The eviction rate is calculated by dividing the number of judgments against renters by the total number of renters. Often the eviction process is terminated as the parties resolve the dispute. In that case, no judgment or eviction is reported, only the filing of an eviction is reported. In terms of filings, Utah ranked 38th of the 47 states with a 2.2% rate, or about 6,600 renters (Table 17).

The Rental Housing Association of Utah collects and publishes monthly eviction court filings for the state. Prior to the COVID-19 pandemic, eviction filings in Utah were around 7,000 annually (Table 18). During the pandemic, the rate of filings dropped by more than 30% to around 4,000. The decline was partly due to the CARES Act and the American Rescue Plan, which established eviction moratoriums, rental assistance, and other financial assistance to households. However, as the level of federal assistance phased down, eviction filings increased again in 2022.

While eviction filings increased in 2022, they remain below pre-pandemic levels. Without ongoing federal assistance, it is difficult to predict what will happen to eviction filings in Utah in the future. As rent continues to increase, renters may need to commit more of their income to housing.

The Utah Office of Homeless Services currently participates in funding eviction prevention through rapid rehousing and homelessness prevention programs. Using a combination of federal and state funding, these programs can provide short-term and medium-term rental assistance and pay rental arrears. Utah also has three funded eviction prevention specialists who help renters by providing them with funds to pay amounts owed and settle evictions. Utah Community Action administers and operates this program.

Other non-governmental organizations, such as The Church of Jesus Christ of Latter-day Saints, also provide assistance for families facing housing insecurity and eviction. A philanthropic safety net, coupled with Utah's strong economy and low unemployment rate, could contribute to Utah's low eviction rate.

Several states implemented additional eviction laws and policies to assist renters as a result of the COVID-19 pandemic. Table 19 outlines some of the different measures states have taken since March 2020 to keep people housed. Some of these measures are set to expire while many will be extended or made permanent fixtures of the state's eviction policy.

The Utah Legislature passed H.B. 359 "Eviction Records Amendments" in the 2022 General Session. This bill streamlines the expungement process, allowing a former tenant to have their eviction case sealed by the courts provided the balance due has been paid and the landlord doesn't object to the expungement. Many landlords and collections attorneys actively use the expungement option to encourage renters to settle their debt and remove the eviction from their record. This bill is meant to restore a tenant's rental record and allow renters to find housing following a non-payment eviction.

Other states intervene before the ruling of an eviction case or even before the case appears in court. For example, some states put a stay on eviction proceedings if the tenant applies for rental assistance through the state. Illinois and Texas require that information regarding the eviction be given to tenants in plain language when they are presented with an eviction filing. Connecticut and California have established legal defense funds to provide tenants with professional legal assistance, as opposed to relying on pro bono work or navigating the process on their own.

Eviction filings and judgments are sometimes used as indicators of rental market conditions (e.g., a low eviction rate suggests a low level of housing instability). However, it is important to remember that eviction data, on their own, do not capture the housing instability 40,000 Utah renter households live with due to severe housing cost burdens.

Utah's Eviction Process

If a tenant does not pay rent when due, Utah landlords can give written notification that the tenant must pay rent within three business days, or vacate the property. If the tenant does not comply with the notification by either paying or moving in three business days, the landlord can file an eviction. The landlord serves notice of the eviction filing along with a summons that requires the tenant to file an answer within three business days. If the tenant files an answer, then the court schedules a hearing date. Utah law requires a renter who does not pay or move within the three-day notice to pay treble (that is, triple) damages for each day he/she remains in the unit. The tenant is also responsible for any back rent owed as well as attorney's fees and collection costs incurred during the eviction process. According to the Utah Bar Foundation, Utah is the only state to combine a three-day notice period with treble damages.

Table 16: States Ranked by Eviction Rate, 2019

State	Eviction Rate (2019)	Days until Eviction Notice	Days until Summons	Late Fee Limits	Legal Assistance
Alaska	N/A	7	2	None	No
Arkansas	N/A	3	N/A	None	No
North Dakota	N/A	3	3	None	No
South Carolina	8.9%	5	N/A	None	No
Delaware	5.1%	5	5	5% of monthly rent	No
Virginia	5.1%	14	10	10% of rent due	No
Georgia	4.7%	N/A	N/A	None	No
North Carolina	4.6%	10	2	5% of monthly rent	No
Oklahoma	4.2%	5	5	None	No
Indiana	4.1%	10	5	None	No
Mississippi	4.0%	3	5	None	No
Arizona	3.9%	5	2	Reasonable Amount	No
Maryland	3.6%	10	N/A	5% of rent due	Yes
Ohio	3.5%	3	7	None	No
West Virginia	3.5%	N/A	10	None	No
Nevada	3.4%	7	10	5% of monthly rent	No
Michigan	3.3%	7	3	None	No
New Mexico	3.2%	3	7	10% of monthly rent	No
Rhode Island	3.1%	5	5	None	No
Connecticut	3.0%	3	N/A	None	Yes
Kentucky	2.9%	7	3	None	No
Missouri	2.9%	10	4	None	No
Colorado	2.8%	10	7	5% of rent due	No
Tennessee	2.8%	14	6	10% of rent due	No
District of Columbia	2.6%	30	7	5% of monthly rent	No
Louisiana	2.6%	5	3	None	No
Florida	2.5%	3	5	None	No
Kansas	2.3%	3	N/A	None	No
Maine	2.3%	7	7	4% of monthly rent	No
Nebraska	2.2%	7	10	None	No
New York	2.2%	14	10	5% of monthly rent	No
Texas	2.2%	3	5	10% of monthly rent	No
Iowa	2.0%	3	3	\$60/\$100	No
Wisconsin	1.9%	5	5	Specified in lease	No
Alabama	1.8%	7	N/A	None	No
Pennsylvania	1.8%	10	7	None	No
New Hampshire	1.7%	7	N/A	None	No
Illinois	1.6%	5	10	None	No
Massachusetts	1.5%	28	7	None	No
Oregon	1.1%	10	7	5% of monthly rent	No
Montana	0.9%	3	N/A	None	No
Utah	0.9%	3	3	None	No
Wyoming	0.9%	3	3	None	No
California	0.8%	3	N/A	None	No
Washington	0.8%	14	60	No late fees	Yes
Idaho	0.6%	3	5	None	No
Minnesota	0.6%	Not Required	7	8% of rent due	No
South Dakota	0.5%	3	4	None	No
Hawaii	0.4%	5	N/A	8% of rent due	No
Vermont	0.1%	14	10	None	No
New Jersey	0.0%	Not Required	N/A	None	No

Source: Law Atlas Policy Surveillance Program, Eviction Lab

Table 17: Eviction Filings by State, 2019

State	Eviction Filing Rate
Maryland	69.6%
South Carolina	23.3%
Georgia	18.8%
District of Columbia	17.2%
Michigan	16.6%
Delaware	15.9%
Virginia	14.9%
Mississippi	14.7%
New Jersey	12.1%
North Carolina	11.7%
New York	9.0%
Indiana	8.9%
Arizona	8.5%
Kentucky	7.6%
Pennsylvania	7.1%
Colorado	6.9%
Nevada	6.7%
Rhode Island	6.4%
Tennessee	6.4%
Texas	6.4%
Ohio	6.2%
New Mexico	6.1%
Oklahoma	5.8%
Missouri	5.7%
West Virginia	4.9%
Iowa	4.3%

Source: Eviction Lab

State	Eviction Filing Rate
New Hampshire	4.3%
Florida	4.1%
Connecticut	4.0%
Alabama	3.8%
Nebraska	3.6%
Wisconsin	3.6%
Massachusetts	3.5%
Kansas	3.2%
Illinois	2.9%
Oregon	2.9%
Maine	2.8%
Minnesota	2.8%
Alaska	2.5%
Idaho	2.5%
Louisiana	2.3%
California	2.2%
Utah	2.2%
Vermont	2.1%
Washington	1.5%
Wyoming	1.5%
Montana	1.3%
Hawaii	1.2%
Arkansas	1.1%
North Dakota	1.0%
South Dakota	0.7%

Table 18: Monthly Eviction Filings in Utah, 2017-2022

Month	2017	2018	2019	2020	2021	2022
January	674	623	678	646	369	472
February	623	567	495	599	289	481
March	571	546	486	459	342	513
April	563	525	574	216	319	420
May	653	633	609	261	300	459
June	606	629	636	332	356	544
July	667	640	591	373	410	548
August	635	660	620	671	373	644
September	629	648	672	356	524	607
October	638	623	629	322	440	594
November	579	492	518	273	431	534
December	474	458	548	279	389	539
Average	609	587	588	399	379	530
Total	7,312	7,044	7,056	4,787	4,542	6,355

Source: Rental Housing Association

Table 19: Eviction-Related Legislation Passed in Response to COVID-19, as of 2022

State	Legislation
Arizona	Stay of evictions for 30 days if an application for rental assistance is underway and the landlord participates in Emergency Rental Assistance (ERA).
California	Eviction Legal Defense Fund provided.
Colorado	Requires tenant to be informed of legal aid assistance. 30 days stay of eviction with ERA application. Seals eviction record if the tenant prevails.
Connecticut	The landlord must apply for ERA and give a 30-day notice before filing. The Eviction Legal Defense Fund provides attorneys to low-income tenants.
Delaware	If an ERA application is submitted during the eviction process, the tenant is given conditional approval for ERA funds.
D.C.	Stays evictions for 60 days after ERA application.
Hawaii	Extended eviction period to 15 days, created more avenues for landlord-tenant mediation (set to expire by the end of 2022, may be extended).
Illinois	Requires eviction notices to give information to the tenant on court-based rental assistance.
Indiana	Established Pre-Eviction Diversion Program: if both parties agree, stays eviction for 90 days and seals eviction records.
Kentucky	Landlords accepting ERA money cannot evict for past due rent not covered by ERA and must give 30 days' notice before eviction (45 days after assistance concludes.)
Louisiana	ERA-participating landlords cannot evict until 60 days after assistance ends (only applies to COVID-related eviction filings.)
Maine	Must provide "plain language" notice with information on the eviction process, requesting mediation, and access to rental and legal assistance.
Maryland	Free legal counsel for evictions by 2025.
Massachusetts	Pauses eviction proceedings while ERA application in progress. Two-tier eviction process, 14 days for mediation, 14 after to start eviction proceedings.
Michigan	Pauses eviction proceedings if ERA application is submitted before or during pre-trial hearings; 30 days until proceedings continue.
Mississippi	Requires summons to provide reasons for eviction, able to pay back rent until the court date, must cease eviction proceedings if tenant applies for ERA.
Nebraska	Eviction notices must list statutory reasons and must make a diligent effort to inform tenants. Landlord and tenant have the opportunity to provide good cause continuance. State supreme court must report on evictions semiannually.
Nevada	Stay on eviction proceedings during ERA application. No late fee if rent is paid within three days of the due date.
New York	Increased housing voucher availability and covers 100% of fair market rent, established landlord rental assistance program to supplement NY Emergency Rental Assistance Program. Cannot evict for one year after ERA assistance.
North Carolina	Cannot evict until 60 days after the end of ERA assistance.
Oregon	60-day grace period after ERA application. Established Landlord Compensation Fund if ERA application denied.
Texas	Specific language to be included in citations. Housing advocates can help defendants in court. Tenants must be informed of rental assistance program. Evictions stay 60 days if the tenant applies for ERA.
Utah	Can petition court to expunge eviction record.
Washington	Fund established for eviction prevention and housing stability (approximately \$150 million per year through a \$100 document recording fee on real estate transactions).
West Virginia	Cannot evict until 30 days after the end of ERA assistance.

Source: National Low-Income Housing Coalition

Endnotes

1. U.S. Census Bureau, Median Household Income, Table B25119.
2. Downen, J. An Analysis of Labor Supply and Demand in Utah (2019). Fact Sheet. Kem C. Gardner Policy Institute.
3. More Housing Vouchers: Most Important Step to Help More People Afford Stable Homes (May 2021) Center on Budget and Policy Priorities.
4. HUD definition of homelessness.
5. Information on state housing trust funds come from state housing trust websites and interviews with officials.
6. State of Utah 2018-2019 Olene Walker Housing Loan Fund Program Guidance & Rules (26 November 2018) Utah Department of Workforce Services Housing & Community Development. Available from <https://nlhlc.org/sites/default/files/files/Utah%20Olene%20Walker%20Program%20Guidance.pdf>
7. Utah Housing Corporation.
8. Recent experience of tax credit developers as referenced by Utah Housing Corporation.
9. Permanent Supportive Housing (PSH) combines rental assistance with support services, counseling, health care services, employment opportunities, etc. PSH generally targets households threatened by homelessness or who have been homeless.
10. The low-income housing tax credit (LIHTC) program, created in 1986 by U.S. Congressional Act, provides an indirect financial subsidy to developers of affordable rental housing. The amount of the tax credit created by the development of a new or the rehabilitation of an existing rental project is either 4% or 9% of the eligible basis of the project. Eligible basis costs include all the "hard" construction costs and most of the "soft" costs (e.g., architectural, engineering, market studies, fees, and contractor profit). Land, interest, insurance, and property taxes are excluded from the eligible basis. Hence, the tax credits issued on a \$10 million, 9% LIHTC project, with an eligible basis of \$9 million, is \$810,000 in tax credit annually for ten years. The tax credits awarded to a project are generally sold by the developer to an investor (Goldman Sachs, Wells Fargo, American Express), who becomes a partner in the project. The proceeds from the sale of the tax credits become part of the developer's equity in the project, thus subsidizing the development of the affordable rental project. In Utah, projects receiving tax credits are required to maintain their affordability status for 50 years. Rents at tax credit projects are generally 10% to 20% below market rents, and tenants have incomes on average of about 43% AMI for 9% projects and closer to 60% AMI for 4% projects. The 35,000 tax credit units statewide account for about 11% of Utah's 333,000 renter-occupied units.
11. Derived from UtahRealEstate.com

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