

1 **COMMUNITY REINVESTMENT AGENCY REVISIONS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike Winder**

5 Senate Sponsor: Wayne A. Harper

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to community reinvestment agencies.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ replaces the term "blight" with "development impediment";
- 14 ▶ beginning on May 14, 2019, prohibits an agency from creating a taxing entity

15 committee for a community reinvestment project area;

- 16 ▶ requires an agency that allocates the agency's community reinvestment project area
- 17 funds for housing to:

- 18 • adopt a housing plan; or
- 19 • implement the housing plan that the community that created the agency adopted;
- 20 ▶ amends requirements for an agency's notice when the agency considers and executes
- 21 an interlocal agreement for a community reinvestment project area; and

- 22 ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **10-8-2**, as last amended by Laws of Utah 2014, Chapter 59

30 **10-9a-403**, as last amended by Laws of Utah 2018, Chapter 218
31 **11-58-601**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
32 **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218
33 **17-50-303**, as last amended by Laws of Utah 2014, Chapter 66
34 **17C-1-102**, as last amended by Laws of Utah 2018, Chapter 364
35 **17C-1-207**, as last amended by Laws of Utah 2018, Chapters 364 and 366
36 **17C-1-402**, as last amended by Laws of Utah 2018, Chapter 364
37 **17C-1-407**, as last amended by Laws of Utah 2016, Chapter 350
38 **17C-1-409**, as last amended by Laws of Utah 2018, Chapter 312
39 **17C-1-412**, as last amended by Laws of Utah 2018, Chapter 312
40 **17C-1-802**, as renumbered and amended by Laws of Utah 2016, Chapter 350
41 **17C-1-803**, as renumbered and amended by Laws of Utah 2016, Chapter 350
42 **17C-1-804**, as renumbered and amended by Laws of Utah 2016, Chapter 350
43 **17C-1-805**, as renumbered and amended by Laws of Utah 2016, Chapter 350
44 **17C-1-807**, as renumbered and amended by Laws of Utah 2016, Chapter 350
45 **17C-1-902**, as last amended by Laws of Utah 2018, Chapter 364
46 **17C-2-101.5**, as renumbered and amended by Laws of Utah 2016, Chapter 350
47 **17C-2-102**, as last amended by Laws of Utah 2016, Chapter 350
48 **17C-2-103**, as last amended by Laws of Utah 2016, Chapter 350
49 **17C-2-106**, as last amended by Laws of Utah 2016, Chapter 350
50 **17C-2-110**, as last amended by Laws of Utah 2018, Chapter 364
51 **17C-2-202**, as last amended by Laws of Utah 2007, Chapter 364
52 **17C-2-301**, as last amended by Laws of Utah 2008, Chapter 125
53 **17C-2-302**, as last amended by Laws of Utah 2007, Chapter 364
54 **17C-2-303**, as last amended by Laws of Utah 2016, Chapter 350
55 **17C-2-304**, as last amended by Laws of Utah 2007, Chapter 364
56 **17C-5-103**, as last amended by Laws of Utah 2017, Chapter 456
57 **17C-5-104**, as last amended by Laws of Utah 2018, Chapter 364

- 58 **17C-5-105**, as last amended by Laws of Utah 2018, Chapter 364
- 59 **17C-5-108**, as last amended by Laws of Utah 2018, Chapter 364
- 60 **17C-5-112**, as last amended by Laws of Utah 2018, Chapter 364
- 61 **17C-5-202**, as last amended by Laws of Utah 2017, Chapter 456
- 62 **17C-5-203**, as last amended by Laws of Utah 2017, Chapter 456
- 63 **17C-5-205**, as enacted by Laws of Utah 2016, Chapter 350
- 64 **17C-5-401**, as enacted by Laws of Utah 2016, Chapter 350
- 65 **17C-5-402**, as last amended by Laws of Utah 2017, Chapter 456
- 66 **17C-5-403**, as last amended by Laws of Utah 2017, Chapter 456
- 67 **17C-5-404**, as enacted by Laws of Utah 2016, Chapter 350
- 68 **17C-5-405**, as last amended by Laws of Utah 2018, Chapter 422
- 69 **17C-5-406**, as enacted by Laws of Utah 2016, Chapter 350

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

72 Section 1. Section **10-8-2** is amended to read:

73 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
 74 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

75 (1) (a) A municipal legislative body may:

76 (i) appropriate money for corporate purposes only;

77 (ii) provide for payment of debts and expenses of the corporation;

78 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
 79 dispose of real and personal property for the benefit of the municipality, whether the property is
 80 within or without the municipality's corporate boundaries, if the action is in the public interest
 81 and complies with other law;

82 (iv) improve, protect, and do any other thing in relation to this property that an
 83 individual could do; and

84 (v) subject to Subsection (2) and after first holding a public hearing, authorize
 85 municipal services or other nonmonetary assistance to be provided to or waive fees required to

86 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

87 (b) A municipality may:

88 (i) furnish all necessary local public services within the municipality;

89 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities

90 located and operating within and operated by the municipality; and

91 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
92 located inside or outside the corporate limits of the municipality and necessary for any of the
93 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
94 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

95 (c) Each municipality that intends to acquire property by eminent domain under
96 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

97 (d) Subsection (1)(b) may not be construed to diminish any other authority a
98 municipality may claim to have under the law to acquire by eminent domain property located
99 inside or outside the municipality.

100 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
101 the provisions of Subsection (3).

102 (b) The total amount of services or other nonmonetary assistance provided or fees
103 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
104 municipality's budget for that fiscal year.

105 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
106 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
107 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
108 subject ~~[to the following:]~~ to this Subsection (3).

109 (a) The net value received for any money appropriated shall be measured on a
110 project-by-project basis over the life of the project.

111 (b) (i) ~~[The]~~ A municipal legislative body shall establish the criteria for a determination
112 under this Subsection (3) ~~[shall be established by the municipality's legislative body. A~~
113 ~~determination of value received, made by the municipality's legislative body, shall be].~~

114 (ii) A municipal legislative body's determination of value received is presumed valid
115 unless ~~[it can be shown]~~ a person can show that the determination was arbitrary, capricious, or
116 illegal.

117 (c) The municipality may consider intangible benefits received by the municipality in
118 determining net value received.

119 (d) (i) ~~[Prior to]~~ Before the municipal legislative body ~~[making]~~ makes any decision to
120 appropriate any funds for a corporate purpose under this section, ~~[a public hearing shall be~~
121 ~~held]~~ the municipal legislative body shall hold a public hearing.

122 (ii) ~~[Notice of the hearing described in Subsection (3)(d)(i) shall be published]~~ The
123 municipal legislative body shall publish a notice of the hearing described in Subsection
124 (3)(d)(i):

125 (A) ~~[(H)]~~ in a newspaper of general circulation at least 14 days before the date of the
126 hearing~~;~~ or, ~~[(H)]~~ if there is no newspaper of general circulation, by posting notice in at least
127 three conspicuous places within the municipality for the same time period; and

128 (B) on the Utah Public Notice Website created in Section 63F-1-701, at least 14 days
129 before the date of the hearing.

130 ~~[(e) A study shall be performed before notice of the public hearing is given and shall be~~
131 ~~made available at the municipality for review by interested parties at least 14 days immediately~~
132 ~~prior to the public hearing, setting forth an analysis and demonstrating the purpose for the~~
133 ~~appropriation. In making the study, the following factors shall be considered:]~~

134 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
135 municipality shall perform a study that analyzes and demonstrates the purpose for an
136 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

137 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
138 the municipality for review by interested parties at least 14 days immediately before the public
139 hearing described in Subsection (3)(d)(i).

140 (iii) A municipality shall consider the following factors when conducting the study
141 described in Subsection (3)(e)(i):

142 [(i)] (A) what identified benefit the municipality will receive in return for any money or
143 resources appropriated;

144 [(ii)] (B) the municipality's purpose for the appropriation, including an analysis of the
145 way the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
146 peace, order, comfort, or convenience of the inhabitants of the municipality; and

147 [(iii)] (C) whether the appropriation is necessary and appropriate to accomplish the
148 reasonable goals and objectives of the municipality in the area of economic development, job
149 creation, affordable housing, ~~blight~~ elimination of a development impediment, job
150 preservation, the preservation of historic structures and property, and any other public purpose.

151 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
152 to make an appropriation.

153 (ii) ~~[The appeal shall be filed within 30 days after the date of that decision, to the~~
154 ~~district court.] A person shall file an appeal as described in Subsection (3)(f)(i) with the district~~
155 ~~court within 30 days after the day on which the municipal legislative body makes a decision.~~

156 (iii) Any appeal shall be based on the record of the proceedings before the legislative
157 body.

158 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
159 the appealing party shows that the decision was arbitrary, capricious, or illegal.

160 (g) The provisions of this Subsection (3) apply only to those appropriations made after
161 May 6, 2002.

162 (h) This section applies only to appropriations not otherwise approved pursuant to Title
163 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
164 Fiscal Procedures Act for Utah Cities.

165 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
166 municipality shall:

167 (i) provide reasonable notice of the proposed disposition at least 14 days before the
168 opportunity for public comment under Subsection (4)(a)(ii); and

169 (ii) allow an opportunity for public comment on the proposed disposition.

170 (b) Each municipality shall, by ordinance, define what constitutes:
171 (i) a significant parcel of real property for purposes of Subsection (4)(a); and
172 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

173 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
174 real property for the purpose of expanding the municipality's infrastructure or other facilities
175 used for providing services that the municipality offers or intends to offer shall provide written
176 notice, as provided in this Subsection (5), of its intent to acquire the property if:

177 (i) the property is located:
178 (A) outside the boundaries of the municipality; and
179 (B) in a county of the first or second class; and
180 (ii) the intended use of the property is contrary to:
181 (A) the anticipated use of the property under the general plan of the county in whose
182 unincorporated area or the municipality in whose boundaries the property is located; or
183 (B) the property's current zoning designation.

184 (b) Each notice under Subsection (5)(a) shall:
185 (i) indicate that the municipality intends to acquire real property;
186 (ii) identify the real property; and
187 (iii) be sent to:
188 (A) each county in whose unincorporated area and each municipality in whose
189 boundaries the property is located; and
190 (B) each affected entity.

191 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
192 [63G-2-305\(8\)](#).

193 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
194 previously provided notice under Section [10-9a-203](#) identifying the general location within the
195 municipality or unincorporated part of the county where the property to be acquired is located.

196 (ii) If a municipality is not required to comply with the notice requirement of
197 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide

198 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
199 property.

200 Section 2. Section **10-9a-403** is amended to read:

201 **10-9a-403. General plan preparation.**

202 (1) (a) The planning commission shall provide notice, as provided in Section
203 **10-9a-203**, of its intent to make a recommendation to the municipal legislative body for a
204 general plan or a comprehensive general plan amendment when the planning commission
205 initiates the process of preparing its recommendation.

206 (b) The planning commission shall make and recommend to the legislative body a
207 proposed general plan for the area within the municipality.

208 (c) The plan may include areas outside the boundaries of the municipality if, in the
209 planning commission's judgment, those areas are related to the planning of the municipality's
210 territory.

211 (d) Except as otherwise provided by law or with respect to a municipality's power of
212 eminent domain, when the plan of a municipality involves territory outside the boundaries of
213 the municipality, the municipality may not take action affecting that territory without the
214 concurrence of the county or other municipalities affected.

215 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
216 and descriptive and explanatory matter, shall include the planning commission's
217 recommendations for the following plan elements:

218 (i) a land use element that:

219 (A) designates the long-term goals and the proposed extent, general distribution, and
220 location of land for housing, business, industry, agriculture, recreation, education, public
221 buildings and grounds, open space, and other categories of public and private uses of land as
222 appropriate; and

223 (B) may include a statement of the projections for and standards of population density
224 and building intensity recommended for the various land use categories covered by the plan;

225 (ii) a transportation and traffic circulation element consisting of the general location

226 and extent of existing and proposed freeways, arterial and collector streets, mass transit, and
227 any other modes of transportation that the planning commission considers appropriate, all
228 correlated with the population projections and the proposed land use element of the general
229 plan; and

230 (iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a
231 realistic opportunity to meet the need for additional moderate income housing.

232 (b) In drafting the moderate income housing element, the planning commission:

233 (i) shall consider the Legislature's determination that municipalities shall facilitate a
234 reasonable opportunity for a variety of housing, including moderate income housing:

235 (A) to meet the needs of people desiring to live in the community; and

236 (B) to allow persons with moderate incomes to benefit from and fully participate in all
237 aspects of neighborhood and community life; and

238 (ii) for a town, may include, and for other municipalities, shall include, an analysis of
239 why the recommended means, techniques, or combination of means and techniques provide a
240 realistic opportunity for the development of moderate income housing within the next five
241 years, which means or techniques may include a recommendation to:

242 (A) rezone for densities necessary to assure the production of moderate income
243 housing;

244 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
245 construction of moderate income housing;

246 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
247 income housing;

248 (D) consider general fund subsidies to waive construction related fees that are
249 otherwise generally imposed by the city;

250 (E) consider utilization of state or federal funds or tax incentives to promote the
251 construction of moderate income housing;

252 (F) consider utilization of programs offered by the Utah Housing Corporation within
253 that agency's funding capacity;

- 254 (G) consider utilization of affordable housing programs administered by the
255 Department of Workforce Services; and
- 256 (H) consider utilization of programs administered by an association of governments
257 established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.
- 258 (c) In drafting the land use element, the planning commission shall:
- 259 (i) identify and consider each agriculture protection area within the municipality; and
260 (ii) avoid proposing a use of land within an agriculture protection area that is
261 inconsistent with or detrimental to the use of the land for agriculture.
- 262 (3) The proposed general plan may include:
- 263 (a) an environmental element that addresses:
- 264 (i) the protection, conservation, development, and use of natural resources, including
265 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
266 and other natural resources; and
- 267 (ii) the reclamation of land, flood control, prevention and control of the pollution of
268 streams and other waters, regulation of the use of land on hillsides, stream channels and other
269 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
270 protection of watersheds and wetlands, and the mapping of known geologic hazards;
- 271 (b) a public services and facilities element showing general plans for sewage, water,
272 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
273 police and fire protection, and other public services;
- 274 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
275 programs for:
- 276 (i) historic preservation;
277 (ii) the diminution or elimination of ~~[blight]~~ a development impediment as defined in
278 Section 17C-1-102; and
- 279 (iii) redevelopment of land, including housing sites, business and industrial sites, and
280 public building sites;
- 281 (d) an economic element composed of appropriate studies and forecasts, as well as an

282 economic development plan, which may include review of existing and projected municipal
283 revenue and expenditures, revenue sources, identification of basic and secondary industry,
284 primary and secondary market areas, employment, and retail sales activity;

285 (e) recommendations for implementing all or any portion of the general plan, including
286 the use of land use ordinances, capital improvement plans, community development and
287 promotion, and any other appropriate action;

288 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
289 and

290 (g) any other element the municipality considers appropriate.

291 Section 3. Section 11-58-601 is amended to read:

292 **11-58-601. Port authority receipt and use of property tax differential --**

293 **Distribution of property tax differential.**

294 (1) (a) The authority may:

295 (i) subject to Subsections (1)(b), (c), and (d), receive up to 100% of the property tax
296 differential for a period ending up to 25 years after a certificate of occupancy is issued with
297 respect to improvements on a parcel, as determined by the board and as provided in this part;
298 and

299 (ii) use the property tax differential during and after the period described in Subsection
300 (1)(a)(i).

301 (b) With respect to a parcel located within a project area, the 25-year period described
302 in Subsection (1)(a)(i) begins on the day on which the authority receives the first property tax
303 differential from that parcel.

304 (c) The authority may not receive property tax differential from an area included within
305 a community reinvestment project area~~[, as defined in Section 17C-1-102,]~~ under a community
306 reinvestment project area plan, as defined in Section 17C-1-102, adopted before March 1,
307 2018, from a taxing entity that has, before March 1, 2018, entered into a fully executed, legally
308 binding agreement under which the taxing entity agrees to the use of its tax increment, as
309 defined in Section 17C-1-102, under the community reinvestment project area plan.

310 (d) The authority shall pay to a community reinvestment agency 10% of the property
311 tax differential generated from land located within that community reinvestment agency, to be
312 used for affordable housing as provided in Section 17C-1-412.

313 (2) A county that collects property tax on property within a project area shall pay and
314 distribute to the authority the property tax differential that the authority is entitled to collect
315 under this title, in the manner and at the time provided in Section 59-2-1365.

316 (3) (a) The board shall determine by resolution when the entire project area or an
317 individual parcel within a project area is subject to property tax differential.

318 (b) The board shall amend the project area budget to reflect whether a parcel within a
319 project area is subject to property tax differential.

320 Section 4. Section 17-27a-403 is amended to read:

321 **17-27a-403. Plan preparation.**

322 (1) (a) The planning commission shall provide notice, as provided in Section
323 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
324 plan or a comprehensive general plan amendment when the planning commission initiates the
325 process of preparing its recommendation.

326 (b) The planning commission shall make and recommend to the legislative body a
327 proposed general plan for:

328 (i) the unincorporated area within the county; or

329 (ii) if the planning commission is a planning commission for a mountainous planning
330 district, the mountainous planning district.

331 (c) (i) The plan may include planning for incorporated areas if, in the planning
332 commission's judgment, they are related to the planning of the unincorporated territory or of
333 the county as a whole.

334 (ii) Elements of the county plan that address incorporated areas are not an official plan
335 or part of a municipal plan for any municipality, unless it is recommended by the municipal
336 planning commission and adopted by the governing body of the municipality.

337 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous

338 planning district, the plan for the mountainous planning district controls and precedes a
339 municipal plan, if any, to which the property would be subject.

340 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
341 and descriptive and explanatory matter, shall include the planning commission's
342 recommendations for the following plan elements:

343 (i) a land use element that:

344 (A) designates the long-term goals and the proposed extent, general distribution, and
345 location of land for housing, business, industry, agriculture, recreation, education, public
346 buildings and grounds, open space, and other categories of public and private uses of land as
347 appropriate; and

348 (B) may include a statement of the projections for and standards of population density
349 and building intensity recommended for the various land use categories covered by the plan;

350 (ii) a transportation and traffic circulation element consisting of the general location
351 and extent of existing and proposed freeways, arterial and collector streets, mass transit, and
352 any other modes of transportation that the planning commission considers appropriate, all
353 correlated with the population projections and the proposed land use element of the general
354 plan;

355 (iii) a plan for the development of additional moderate income housing within the
356 unincorporated area of the county or the mountainous planning district, and a plan to provide a
357 realistic opportunity to meet the need for additional moderate income housing; and

358 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
359 and policies required by Subsection [17-27a-401\(3\)](#).

360 (b) In drafting the moderate income housing element, the planning commission:

361 (i) shall consider the Legislature's determination that counties should facilitate a
362 reasonable opportunity for a variety of housing, including moderate income housing:

363 (A) to meet the needs of people desiring to live there; and

364 (B) to allow persons with moderate incomes to benefit from and fully participate in all
365 aspects of neighborhood and community life; and

366 (ii) shall include an analysis of why the recommended means, techniques, or
367 combination of means and techniques provide a realistic opportunity for the development of
368 moderate income housing within the planning horizon, which means or techniques may include
369 a recommendation to:

370 (A) rezone for densities necessary to assure the production of moderate income
371 housing;

372 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
373 construction of moderate income housing;

374 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
375 income housing;

376 (D) consider county general fund subsidies to waive construction related fees that are
377 otherwise generally imposed by the county;

378 (E) consider utilization of state or federal funds or tax incentives to promote the
379 construction of moderate income housing;

380 (F) consider utilization of programs offered by the Utah Housing Corporation within
381 that agency's funding capacity; and

382 (G) consider utilization of affordable housing programs administered by the
383 Department of Workforce Services.

384 (c) In drafting the land use element, the planning commission shall:

385 (i) identify and consider each agriculture protection area within the unincorporated area
386 of the county or mountainous planning district; and

387 (ii) avoid proposing a use of land within an agriculture protection area that is
388 inconsistent with or detrimental to the use of the land for agriculture.

389 (3) The proposed general plan may include:

390 (a) an environmental element that addresses:

391 (i) to the extent not covered by the county's resource management plan, the protection,
392 conservation, development, and use of natural resources, including the quality of air, forests,
393 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;

394 and

395 (ii) the reclamation of land, flood control, prevention and control of the pollution of
396 streams and other waters, regulation of the use of land on hillsides, stream channels and other
397 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
398 protection of watersheds and wetlands, and the mapping of known geologic hazards;

399 (b) a public services and facilities element showing general plans for sewage, water,
400 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
401 police and fire protection, and other public services;

402 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
403 programs for:

404 (i) historic preservation;

405 (ii) the diminution or elimination of [blight] a development impediment as defined in
406 Section 17C-1-102; and

407 (iii) redevelopment of land, including housing sites, business and industrial sites, and
408 public building sites;

409 (d) an economic element composed of appropriate studies and forecasts, as well as an
410 economic development plan, which may include review of existing and projected county
411 revenue and expenditures, revenue sources, identification of basic and secondary industry,
412 primary and secondary market areas, employment, and retail sales activity;

413 (e) recommendations for implementing all or any portion of the general plan, including
414 the use of land use ordinances, capital improvement plans, community development and
415 promotion, and any other appropriate action;

416 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
417 (3)(a)(i); and

418 (g) any other element the county considers appropriate.

419 Section 5. Section 17-50-303 is amended to read:

420 **17-50-303. County may not give or lend credit -- County may borrow in**
421 **anticipation of revenues -- Assistance to nonprofit and private entities.**

422 (1) A county may not give or lend its credit to or in aid of any person or corporation,
423 or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

424 (2) (a) A county may borrow money in anticipation of the collection of taxes and other
425 county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local
426 Government Bonding Act.

427 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which
428 funds of the county may be expended.

429 (3) (a) A county may appropriate money to or provide nonmonetary assistance to a
430 nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of
431 the county legislative body, the assistance contributes to the safety, health, prosperity, moral
432 well-being, peace, order, comfort, or convenience of county residents.

433 (b) A county may appropriate money to a nonprofit entity from the county's own funds
434 or from funds the county receives from the state or any other source.

435 (4) (a) As used in this Subsection (4):

436 (i) "Private enterprise" means a person that engages in an activity for profit.

437 (ii) "Project" means an activity engaged in by a private enterprise.

438 (b) A county may appropriate money in aid of a private enterprise project if:

439 (i) subject to Subsection (4)(c), the county receives value in return for the money
440 appropriated; and

441 (ii) in the judgment of the county legislative body, the private enterprise project
442 provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or
443 convenience of the county residents.

444 (c) The county shall measure the net value received by the county for money
445 appropriated by the county to a private entity on a project-by-project basis over the life of the
446 project.

447 (d) (i) Before a county legislative body may appropriate funds in aid of a private
448 enterprise project under this Subsection (4), the county legislative body shall:

449 (A) adopt by ordinance criteria to determine what value, if any, the county will receive

450 in return for money appropriated under this Subsection (4);

451 (B) conduct a study as described in Subsection (4)(e) on the proposed appropriation
452 and private enterprise project; and

453 (C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed
454 appropriation and the private enterprise project.

455 (ii) The county legislative body may consider an intangible benefit as a value received
456 by the county.

457 (e) (i) Before publishing or posting notice in accordance with Subsection (4)(f), the
458 county shall study:

459 (A) any value the county will receive in return for money or resources appropriated to a
460 private entity;

461 (B) the county's purpose for the appropriation, including an analysis of the way the
462 appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace,
463 order, comfort, or convenience of the county residents; and

464 (C) whether the appropriation is necessary and appropriate to accomplish the
465 reasonable goals and objectives of the county in the area of economic development, job
466 creation, affordable housing, ~~high~~ elimination of a development impediment, as defined in
467 Section 17C-1-102, job preservation, the preservation of historic structures, analyzing and
468 improving county government structure or property, or any other public purpose.

469 (ii) The county shall:

470 (A) prepare a written report of the results of the study; and

471 (B) make the report available to the public at least 14 days immediately prior to the
472 scheduled day of the public hearing described in Subsection (4)(d)(i)(C).

473 (f) The county shall publish notice of the public hearing required in Subsection
474 (4)(d)(i)(C):

475 (i) in a newspaper of general circulation at least 14 days before the date of the hearing
476 or, if there is no newspaper of general circulation, by posting notice in at least three
477 conspicuous places within the county for the same time period; and

478 (ii) on the Utah Public Notice Website created in Section 63F-1-701, at least 14 days
479 before the date of the hearing.

480 (g) (i) A person may appeal the decision of the county legislative body to appropriate
481 funds under this Subsection (4).

482 (ii) A person shall file an appeal with the district court within 30 days after the day on
483 which the legislative body adopts an ordinance or approves a budget to appropriate the funds.

484 (iii) A court shall:

485 (A) presume that an ordinance adopted or appropriation made under this Subsection (4)
486 is valid; and

487 (B) determine only whether the ordinance or appropriation is arbitrary, capricious, or
488 illegal.

489 (iv) A determination of illegality requires a determination that the decision or
490 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the
491 ordinance was adopted.

492 (v) The district court's review is limited to:

493 (A) a review of the criteria adopted by the county legislative body under Subsection
494 (4)(d)(i)(A);

495 (B) the record created by the county legislative body at the public hearing described in
496 Subsection (4)(d)(i)(C); and

497 (C) the record created by the county in preparation of the study and the study itself as
498 described in Subsection (4)(e).

499 (vi) If there is no record, the court may call witnesses and take evidence.

500 (h) This section applies only to an appropriation not otherwise approved in accordance
501 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

502 Section 6. Section 17C-1-102 is amended to read:

503 **17C-1-102. Definitions.**

504 As used in this title:

505 (1) "Active project area" means a project area that has not been dissolved in accordance

506 with Section 17C-1-702.

507 (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%,
508 that an agency is authorized to receive:

509 (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax
510 increment under Subsection 17C-1-403(3);

511 (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax
512 increment under Section 17C-1-406;

513 (c) under a project area budget approved by a taxing entity committee; or

514 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's
515 tax increment.

516 (3) "Affordable housing" means housing owned or occupied by a low or moderate
517 income family, as determined by resolution of the agency.

518 (4) "Agency" or "community reinvestment agency" means a separate body corporate
519 and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community
520 development and renewal agency under previous law:

521 (a) that is a political subdivision of the state;

522 (b) that is created to undertake or promote project area development as provided in this
523 title; and

524 (c) whose geographic boundaries are coterminous with:

525 (i) for an agency created by a county, the unincorporated area of the county; and

526 (ii) for an agency created by a municipality, the boundaries of the municipality.

527 (5) "Agency funds" means money that an agency collects or receives for agency
528 operations, implementing a project area plan, or other agency purposes, including:

529 (a) project area funds;

530 (b) income, proceeds, revenue, or property derived from or held in connection with the
531 agency's undertaking and implementation of project area development; or

532 (c) a contribution, loan, grant, or other financial assistance from any public or private
533 source.

534 (6) "Annual income" means the same as that term is defined in regulations of the
535 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as
536 amended or as superseded by replacement regulations.

537 (7) "Assessment roll" means the same as that term is defined in Section [59-2-102](#).

538 (8) "Base taxable value" means, unless otherwise adjusted in accordance with
539 provisions of this title, a property's taxable value as shown upon the assessment roll last
540 equalized during the base year.

541 (9) "Base year" means, except as provided in Subsection [17C-1-402\(4\)\(c\)](#), the year
542 during which the assessment roll is last equalized:

543 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,
544 before the project area plan's effective date;

545 (b) for a post-June 30, 1993, urban renewal or economic development project area
546 plan, or a community reinvestment project area plan that is subject to a taxing entity
547 committee:

548 (i) before the date on which the taxing entity committee approves the project area
549 budget; or

550 (ii) if taxing entity committee approval is not required for the project area budget,
551 before the date on which the community legislative body adopts the project area plan;

552 (c) for a project on an inactive airport site, after the later of:

553 (i) the date on which the inactive airport site is sold for remediation and development;

554 or

555 (ii) the date on which the airport that operated on the inactive airport site ceased
556 operations; or

557 (d) for a community development project area plan or a community reinvestment
558 project area plan that is subject to an interlocal agreement, as described in the interlocal
559 agreement.

560 (10) "Basic levy" means the portion of a school district's tax levy constituting the
561 minimum basic levy under Section [59-2-902](#).

562 ~~[(11) "Blight" or "blighted" means the condition of an area that meets the requirements~~
563 ~~described in Subsection 17C-2-303(1) for an urban renewal project area or Section 17C-5-405~~
564 ~~for a community reinvestment project area.]~~

565 ~~[(12) "Blight hearing" means a public hearing regarding whether blight exists within a~~
566 ~~proposed:]~~

567 ~~[(a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section~~
568 ~~17C-2-302, or]~~

569 ~~[(b) community reinvestment project area under Section 17C-5-405.]~~

570 ~~[(13) "Blight study" means a study to determine whether blight exists within a survey~~
571 ~~area as described in Section 17C-2-301 for an urban renewal project area or Section 17C-5-403~~
572 ~~for a community reinvestment project area.]~~

573 ~~[(14)]~~ (11) "Board" means the governing body of an agency, as described in Section
574 17C-1-203.

575 ~~[(15)]~~ (12) "Budget hearing" means the public hearing on a proposed project area
576 budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget,
577 Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection
578 17C-5-302(2)(e) for a community reinvestment project area budget.

579 ~~[(16)]~~ (13) "Closed military base" means land within a former military base that the
580 Defense Base Closure and Realignment Commission has voted to close or realign when that
581 action has been sustained by the president of the United States and Congress.

582 ~~[(17)]~~ (14) "Combined incremental value" means the combined total of all incremental
583 values from all project areas, except project areas that contain some or all of a military
584 installation or inactive industrial site, within the agency's boundaries under project area plans
585 and project area budgets at the time that a project area budget for a new project area is being
586 considered.

587 ~~[(18)]~~ (15) "Community" means a county or municipality.

588 ~~[(19)]~~ (16) "Community development project area plan" means a project area plan
589 adopted under Chapter 4, Part 1, Community Development Project Area Plan.

590 ~~[(20)]~~ (17) "Community legislative body" means the legislative body of the community
591 that created the agency.

592 ~~[(21)]~~ (18) "Community reinvestment project area plan" means a project area plan
593 adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

594 ~~[(22)]~~ (19) "Contest" means to file a written complaint in the district court of the
595 county in which the agency is located.

596 (20) "Development impediment" means a condition of an area that meets the
597 requirements described in Section [17C-2-303](#) for an urban renewal project area or Section
598 [17C-5-405](#) for a community reinvestment project area.

599 (21) "Development impediment hearing" means a public hearing regarding whether a
600 development impediment exists within a proposed:

601 (a) urban renewal project area under Subsection [17C-2-102\(1\)\(a\)\(i\)\(C\)](#) and Section
602 [17C-2-302](#); or

603 (b) community reinvestment project area under Section [17C-5-404](#).

604 (22) "Development impediment study" means a study to determine whether a
605 development impediment exists within a survey area as described in Section [17C-2-301](#) for an
606 urban renewal project area or Section [17C-5-403](#) for a community reinvestment project area.

607 (23) "Economic development project area plan" means a project area plan adopted
608 under Chapter 3, Part 1, Economic Development Project Area Plan.

609 (24) "Fair share ratio" means the ratio derived by:

610 (a) for a municipality, comparing the percentage of all housing units within the
611 municipality that are publicly subsidized income targeted housing units to the percentage of all
612 housing units within the county in which the municipality is located that are publicly
613 subsidized income targeted housing units; or

614 (b) for the unincorporated part of a county, comparing the percentage of all housing
615 units within the unincorporated county that are publicly subsidized income targeted housing
616 units to the percentage of all housing units within the whole county that are publicly subsidized
617 income targeted housing units.

618 (25) "Family" means the same as that term is defined in regulations of the United
619 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended
620 or as superseded by replacement regulations.

621 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

622 (27) "Hazardous waste" means any substance defined, regulated, or listed as a
623 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
624 or toxic substance, or identified as hazardous to human health or the environment, under state
625 or federal law or regulation.

626 (28) "Housing allocation" means project area funds allocated for housing under Section
627 [17C-2-203](#), [17C-3-202](#), or [17C-5-307](#) for the purposes described in Section [17C-1-412](#).

628 (29) "Housing fund" means a fund created by an agency for purposes described in
629 Section [17C-1-411](#) or [17C-1-412](#) that is comprised of:

- 630 (a) project area funds allocated for the purposes described in Section [17C-1-411](#); or
- 631 (b) an agency's housing allocation.

632 (30) (a) "Inactive airport site" means land that:

633 (i) consists of at least 100 acres;

634 (ii) is occupied by an airport:

635 (A) (I) that is no longer in operation as an airport; or

636 (II) (Aa) that is scheduled to be decommissioned; and

637 (Bb) for which a replacement commercial service airport is under construction; and

638 (B) that is owned or was formerly owned and operated by a public entity; and

639 (iii) requires remediation because:

640 (A) of the presence of hazardous waste or solid waste; or

641 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
642 electric service, water system, and sewer system, needed to support development of the site.

643 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
644 described in Subsection (30)(a).

645 (31) (a) "Inactive industrial site" means land that:

646 (i) consists of at least 1,000 acres;
647 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
648 facility; and

649 (iii) requires remediation because of the presence of hazardous waste or solid waste.

650 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
651 described in Subsection (31)(a).

652 (32) "Income targeted housing" means housing that is owned or occupied by a family
653 whose annual income is at or below 80% of the median annual income for a family within the
654 county in which the housing is located.

655 (33) "Incremental value" means a figure derived by multiplying the marginal value of
656 the property located within a project area on which tax increment is collected by a number that
657 represents the adjusted tax increment from that project area that is paid to the agency.

658 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
659 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

660 (35) (a) " Local government building" means a building owned and operated by a
661 community for the primary purpose of providing one or more primary community functions,
662 including:

- 663 (i) a fire station;
- 664 (ii) a police station;
- 665 (iii) a city hall; or
- 666 (iv) a court or other judicial building.

667 (b) " Local government building" does not include a building the primary purpose of
668 which is cultural or recreational in nature.

669 (36) "Marginal value" means the difference between actual taxable value and base
670 taxable value.

671 (37) "Military installation project area" means a project area or a portion of a project
672 area located within a federal military installation ordered closed by the federal Defense Base
673 Realignment and Closure Commission.

674 (38) "Municipality" means a city, town, or metro township as defined in Section
675 10-2a-403.

676 (39) "Participant" means one or more persons that enter into a participation agreement
677 with an agency.

678 (40) "Participation agreement" means a written agreement between a person and an
679 agency that:

680 (a) includes a description of:

681 (i) the project area development that the person will undertake;

682 (ii) the amount of project area funds the person may receive; and

683 (iii) the terms and conditions under which the person may receive project area funds;

684 and

685 (b) is approved by resolution of the board.

686 (41) "Plan hearing" means the public hearing on a proposed project area plan required
687 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
688 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d)
689 for a community development project area plan, or Subsection 17C-5-104(3)(e) for a
690 community reinvestment project area plan.

691 (42) "Post-June 30, 1993, project area plan" means a project area plan adopted on or
692 after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project
693 area plan's adoption.

694 (43) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July
695 1, 1993, whether or not amended subsequent to the project area plan's adoption.

696 (44) "Private," with respect to real property, means property not owned by a public
697 entity or any other governmental entity.

698 (45) "Project area" means the geographic area described in a project area plan within
699 which the project area development described in the project area plan takes place or is
700 proposed to take place.

701 (46) "Project area budget" means a multiyear projection of annual or cumulative

- 702 revenues and expenses and other fiscal matters pertaining to a project area prepared in
703 accordance with:
- 704 (a) for an urban renewal project area, Section [~~17C-2-202~~] [17C-2-201](#);
 - 705 (b) for an economic development project area, Section [~~17C-3-202~~] [17C-3-201](#);
 - 706 (c) for a community development project area, Section [17C-4-204](#); or
 - 707 (d) for a community reinvestment project area, Section [17C-5-302](#).
- 708 (47) "Project area development" means activity within a project area that, as
709 determined by the board, encourages, promotes, or provides development or redevelopment for
710 the purpose of implementing a project area plan, including:
- 711 (a) promoting, creating, or retaining public or private jobs within the state or a
712 community;
 - 713 (b) providing office, manufacturing, warehousing, distribution, parking, or other
714 facilities or improvements;
 - 715 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
716 remediating environmental issues;
 - 717 (d) providing residential, commercial, industrial, public, or other structures or spaces,
718 including recreational and other facilities incidental or appurtenant to the structures or spaces;
 - 719 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
720 existing structures;
 - 721 (f) providing open space, including streets or other public grounds or space around
722 buildings;
 - 723 (g) providing public or private buildings, infrastructure, structures, or improvements;
 - 724 (h) relocating a business;
 - 725 (i) improving public or private recreation areas or other public grounds;
 - 726 (j) eliminating [~~blight~~] a development impediment or the causes of [~~blight~~] a
727 development impediment;
 - 728 (k) redevelopment as defined under the law in effect before May 1, 2006; or
 - 729 (l) any activity described in this Subsection (47) outside of a project area that the board

730 determines to be a benefit to the project area.

731 (48) "Project area funds" means tax increment or sales and use tax revenue that an
732 agency receives under a project area budget adopted by a taxing entity committee or an
733 interlocal agreement.

734 (49) "Project area funds collection period" means the period of time that:

735 (a) begins the day on which the first payment of project area funds is distributed to an
736 agency under a project area budget approved by a taxing entity committee or an interlocal
737 agreement; and

738 (b) ends the day on which the last payment of project area funds is distributed to an
739 agency under a project area budget approved by a taxing entity committee or an interlocal
740 agreement.

741 (50) "Project area plan" means an urban renewal project area plan, an economic
742 development project area plan, a community development project area plan, or a community
743 reinvestment project area plan that, after the project area plan's effective date, guides and
744 controls the project area development.

745 (51) (a) "Property tax" means each levy on an ad valorem basis on tangible or
746 intangible personal or real property.

747 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege
748 Tax.

749 (52) "Public entity" means:

750 (a) the United States, including an agency of the United States;

751 (b) the state, including any of the state's departments or agencies; or

752 (c) a political subdivision of the state, including a county, municipality, school district,
753 local district, special service district, community reinvestment agency, or interlocal cooperation
754 entity.

755 (53) "Publicly owned infrastructure and improvements" means water, sewer, storm
756 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,
757 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or

758 other facilities, infrastructure, and improvements benefitting the public and to be publicly
759 owned or publicly maintained or operated.

760 (54) "Record property owner" or "record owner of property" means the owner of real
761 property, as shown on the records of the county in which the property is located, to whom the
762 property's tax notice is sent.

763 (55) "Sales and use tax revenue" means revenue that is:

764 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;
765 and

766 (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.

767 (56) "Superfund site":

768 (a) means an area included in the National Priorities List under the Comprehensive
769 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

770 (b) includes an area formerly included in the National Priorities List, as described in
771 Subsection (56)(a), but removed from the list following remediation that leaves on site the
772 waste that caused the area to be included in the National Priorities List.

773 (57) "Survey area" means a geographic area designated for study by a survey area
774 resolution to determine whether:

775 (a) one or more project areas within the survey area are feasible; or

776 (b) ~~blight~~ a development impediment exists within the survey area.

777 (58) "Survey area resolution" means a resolution adopted by a board that designates a
778 survey area.

779 (59) "Taxable value" means:

780 (a) the taxable value of all real property a county assessor assesses in accordance with
781 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

782 (b) the taxable value of all real and personal property the commission assesses in
783 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

784 (c) the year end taxable value of all personal property a county assessor assesses in
785 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's

786 tax rolls of the taxing entity.

787 (60) (a) "Tax increment" means the difference between:

788 (i) the amount of property tax revenue generated each tax year by a taxing entity from
789 the area within a project area designated in the project area plan as the area from which tax
790 increment is to be collected, using the current assessed value of the property; and

791 (ii) the amount of property tax revenue that would be generated from that same area
792 using the base taxable value of the property.

793 (b) "Tax increment" does not include taxes levied and collected under Section
794 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

795 (i) the project area plan was adopted before May 4, 1993, whether or not the project
796 area plan was subsequently amended; and

797 (ii) the taxes were pledged to support bond indebtedness or other contractual
798 obligations of the agency.

799 (61) "Taxing entity" means a public entity that:

800 (a) levies a tax on property located within a project area; or

801 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

802 (62) "Taxing entity committee" means a committee representing the interests of taxing
803 entities, created in accordance with Section 17C-1-402.

804 (63) "Unincorporated" means not within a municipality.

805 (64) "Urban renewal project area plan" means a project area plan adopted under
806 Chapter 2, Part 1, Urban Renewal Project Area Plan.

807 Section 7. Section 17C-1-207 is amended to read:

808 **17C-1-207. Public entities may assist with project area development.**

809 (1) In order to assist and cooperate in the planning, undertaking, construction, or
810 operation of project area development within an area in which the public entity is authorized to
811 act, a public entity may:

812 (a) (i) provide or cause to be furnished:

813 (A) parks, playgrounds, or other recreational facilities;

- 814 (B) community, educational, water, sewer, or drainage facilities; or
- 815 (C) any other works which the public entity is otherwise empowered to undertake;
- 816 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
- 817 replan streets, roads, roadways, alleys, sidewalks, or other places;
- 818 (iii) in any part of the project area:
- 819 (A) (I) plan or replan any property within the project area;
- 820 (II) plat or replat any property within the project area;
- 821 (III) vacate a plat;
- 822 (IV) amend a plat; or
- 823 (V) zone or rezone any property within the project area; and
- 824 (B) make any legal exceptions from building regulations and ordinances;
- 825 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
- 826 rights of any holder of the bonds;
- 827 (v) notwithstanding any law to the contrary, enter into an agreement for a period of
- 828 time with another public entity concerning action to be taken pursuant to any of the powers
- 829 granted in this title;
- 830 (vi) do anything necessary to aid or cooperate in the planning or implementation of the
- 831 project area development;
- 832 (vii) in connection with the project area plan, become obligated to the extent
- 833 authorized and funds have been made available to make required improvements or construct
- 834 required structures; and
- 835 (viii) lend, grant, or contribute funds to an agency for project area development or
- 836 proposed project area development, including assigning revenue or taxes in support of an
- 837 agency bond or obligation; and
- 838 (b) for less than fair market value or for no consideration, and subject to Subsection
- 839 (3):
- 840 (i) purchase or otherwise acquire property from an agency;
- 841 (ii) lease property from an agency;

842 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to
843 an agency; or

844 (iv) lease the public entity's property to an agency.

845 (2) The following are not subject to [~~Sections~~] Section 10-8-2 [~~or~~], 17-50-312, or
846 17-50-303:

847 (a) project area development assistance that a public entity provides under this section;
848 or

849 (b) a transfer of funds or property from an agency to a public entity.

850 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner
851 than 15 days after the day on which the public entity posts notice of the assistance on:

852 (a) the Utah Public Notice Website described in Section 63F-1-701; and

853 (b) the public entity's public website.

854 Section 8. Section **17C-1-402** is amended to read:

855 **17C-1-402. Taxing entity committee.**

856 (1) The provisions of this section apply to a taxing entity committee that is created by
857 an agency for:

858 (a) a post-June 30, 1993, urban renewal project area plan or economic development
859 project area plan;

860 (b) any other project area plan adopted before May 10, 2016, for which the agency
861 created a taxing entity committee; and

862 (c) a community reinvestment project area plan adopted before May 14, 2019, that is
863 subject to a taxing entity committee.

864 (2) (a) (i) Each taxing entity committee shall be composed of:

865 (A) two school district representatives appointed in accordance with Subsection

866 (2)(a)(ii);

867 (B) (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives
868 appointed by resolution of the legislative body of the county in which the agency is located; or

869 (II) in a county of the first class, one representative appointed by the county executive

870 and one representative appointed by the legislative body of the county in which the agency is
871 located;

872 (C) if the agency is created by a municipality, two representatives appointed by
873 resolution of the legislative body of the municipality;

874 (D) one representative appointed by the State Board of Education; and

875 (E) one representative selected by majority vote of the legislative bodies or governing
876 boards of all other taxing entities that levy a tax on property within the agency's boundaries, to
877 represent the interests of those taxing entities on the taxing entity committee.

878 (ii) (A) If the agency boundaries include only one school district, that school district
879 shall appoint the two school district representatives under Subsection (2)(a)(i)(A).

880 (B) If the agency boundaries include more than one school district, those school
881 districts shall jointly appoint the two school district representatives under Subsection
882 (2)(a)(i)(A).

883 (b) (i) Each taxing entity committee representative described in Subsection (2)(a) shall
884 be appointed within 30 days after the day on which the agency provides notice of the creation
885 of the taxing entity committee.

886 (ii) If a representative is not appointed within the time required under Subsection
887 (2)(b)(i), the board may appoint an individual to serve on the taxing entity committee in the
888 place of the missing representative until that representative is appointed.

889 (c) (i) A taxing entity committee representative may be appointed for a set term or
890 period of time, as determined by the appointing authority under Subsection (2)(a)(i).

891 (ii) Each taxing entity committee representative shall serve until a successor is
892 appointed and qualified.

893 (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether
894 an initial appointment or an appointment to replace an already serving representative, the
895 appointing authority shall:

896 (A) notify the agency in writing of the name and address of the newly appointed
897 representative; and

898 (B) provide the agency a copy of the resolution making the appointment or, if the
899 appointment is not made by resolution, other evidence of the appointment.

900 (ii) Each appointing authority of a taxing entity committee representative under
901 Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a
902 representative appointed by that appointing authority.

903 (3) At a taxing entity committee's first meeting, the taxing entity committee shall adopt
904 an organizing resolution that:

905 (a) designates a chair and a secretary of the taxing entity committee; and

906 (b) if the taxing entity committee considers it appropriate, governs the use of electronic
907 meetings under Section 52-4-207.

908 (4) (a) A taxing entity committee represents all taxing entities regarding:

909 (i) an urban renewal project area plan;

910 (ii) an economic development project area plan; or

911 (iii) a community reinvestment project area plan that is subject to a taxing entity
912 committee.

913 (b) A taxing entity committee may:

914 (i) cast votes that are binding on all taxing entities;

915 (ii) negotiate with the agency concerning a proposed project area plan;

916 (iii) approve or disapprove:

917 (A) an urban renewal project area budget as described in Section 17C-2-204;

918 (B) an economic development project area budget as described in Section 17C-3-203;

919 or

920 (C) for a community reinvestment project area plan that is subject to a taxing entity
921 committee, a community reinvestment project area budget as described in Section 17C-5-302;

922 (iv) approve or disapprove an amendment to a project area budget as described in
923 Section 17C-2-206, 17C-3-205, or 17C-5-306;

924 (v) approve an exception to the limits on the value and size of a project area imposed
925 under this title;

- 926 (vi) approve:
- 927 (A) an exception to the percentage of tax increment to be paid to the agency;
- 928 (B) except for a project area funds collection period that is approved by an interlocal
- 929 agreement, each project area funds collection period; and
- 930 (C) an exception to the requirement for an urban renewal project area budget, an
- 931 economic development project area budget, or a community reinvestment project area budget
- 932 to include a maximum cumulative dollar amount of tax increment that the agency may receive;
- 933 (vii) approve the use of tax increment for publicly owned infrastructure and
- 934 improvements outside of a project area that the agency and community legislative body
- 935 determine to be of benefit to the project area, as described in Subsection
- 936 17C-1-409(1)(a)(iii)(D);
- 937 (viii) waive the restrictions described in Subsection 17C-2-202(1);
- 938 (ix) subject to Subsection (4)(c), designate the base taxable value for a project area
- 939 budget; and
- 940 (x) give other taxing entity committee approval or consent required or allowed under
- 941 this title.
- 942 (c) (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that
- 943 is earlier than five years before the beginning of a project area funds collection period.
- 944 (ii) The taxing entity committee may approve a base year that is earlier than the year
- 945 described in Subsection (4)(c)(i).
- 946 (5) A quorum of a taxing entity committee consists of:
- 947 (a) if the project area is located within a municipality, five members; or
- 948 (b) if the project area is not located within a municipality, four members.
- 949 (6) Taxing entity committee approval, consent, or other action requires:
- 950 (a) the affirmative vote of a majority of all members present at a taxing entity
- 951 committee meeting:
- 952 (i) at which a quorum is present; and
- 953 (ii) considering an action relating to a project area budget for, or approval of a [finding

954 ~~of blight]~~ development impediment determination within, a project area or proposed project
955 area that contains:

956 (A) an inactive industrial site;

957 (B) an inactive airport site; or

958 (C) a closed military base; or

959 (b) for any other action not described in Subsection (6)(a)(ii), the affirmative vote of
960 two-thirds of all members present at a taxing entity committee meeting at which a quorum is
961 present.

962 (7) (a) An agency may call a meeting of the taxing entity committee by sending written
963 notice to the members of the taxing entity committee at least 10 days before the date of the
964 meeting.

965 (b) Each notice under Subsection (7)(a) shall be accompanied by:

966 (i) the proposed agenda for the taxing entity committee meeting; and

967 (ii) if not previously provided and if the documents exist and are to be considered at
968 the meeting:

969 (A) the project area plan or proposed project area plan;

970 (B) the project area budget or proposed project area budget;

971 (C) the analysis required under Subsection 17C-2-103(2), 17C-3-103(2), or
972 17C-5-105(12);

973 (D) the ~~[blight]~~ development impediment study;

974 (E) the agency's resolution making a ~~[finding of blight]~~ development impediment
975 determination under Subsection 17C-2-102(1)(a)(ii)(B) or ~~[Subsection]~~ 17C-5-402(2)(c)(ii);

976 and

977 (F) other documents to be considered by the taxing entity committee at the meeting.

978 (c) (i) An agency may not schedule a taxing entity committee meeting on a day on
979 which the Legislature is in session.

980 (ii) Notwithstanding Subsection (7)(c)(i), a taxing entity committee may, by unanimous
981 consent, waive the scheduling restriction described in Subsection (7)(c)(i).

982 (8) (a) A taxing entity committee may not vote on a proposed project area budget or
983 proposed amendment to a project area budget at the first meeting at which the proposed project
984 area budget or amendment is considered unless all members of the taxing entity committee
985 present at the meeting consent.

986 (b) A second taxing entity committee meeting to consider a proposed project area
987 budget or a proposed amendment to a project area budget may not be held within 14 days after
988 the first meeting unless all members of the taxing entity committee present at the first meeting
989 consent.

990 (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and
991 Public Meetings Act.

992 (10) A taxing entity committee's records shall be:

- 993 (a) considered the records of the agency that created the taxing entity committee; and
- 994 (b) maintained by the agency in accordance with Section [17C-1-209](#).

995 (11) Each time a school district representative or a representative of the State Board of
996 Education votes as a member of a taxing entity committee to allow an agency to receive tax
997 increment, to increase the amount of tax increment the agency receives, or to extend a project
998 area funds collection period, that representative shall, within 45 days after the vote, provide to
999 the representative's respective school board an explanation in writing of the representative's
1000 vote and the reasons for the vote.

1001 (12) (a) The auditor of each county in which an agency is located shall provide a
1002 written report to the taxing entity committee stating, with respect to property within each
1003 project area:

- 1004 (i) the base taxable value, as adjusted by any adjustments under Section [17C-1-408](#);
- 1005 and
- 1006 (ii) the assessed value.

1007 (b) With respect to the information required under Subsection (12)(a), the auditor shall
1008 provide:

- 1009 (i) actual amounts for each year from the adoption of the project area plan to the time

1010 of the report; and

1011 (ii) estimated amounts for each year beginning the year after the time of the report and
1012 ending the time that each project area funds collection period ends.

1013 (c) The auditor of the county in which the agency is located shall provide a report
1014 under this Subsection (12):

1015 (i) at least annually; and

1016 (ii) upon request of the taxing entity committee, before a taxing entity committee
1017 meeting at which the committee considers whether to allow the agency to receive tax
1018 increment, to increase the amount of tax increment that the agency receives, or to extend a
1019 project area funds collection period.

1020 (13) This section does not apply to:

1021 (a) a community development project area plan; or

1022 (b) a community reinvestment project area plan that is subject to an interlocal
1023 agreement.

1024 (14) (a) A taxing entity committee resolution approving a [~~blight finding~~] development
1025 impediment determination, approving a project area budget, or approving an amendment to a
1026 project area budget:

1027 (i) is final; and

1028 (ii) is not subject to repeal, amendment, or reconsideration unless the agency first
1029 consents by resolution to the proposed repeal, amendment, or reconsideration.

1030 (b) The provisions of Subsection (14)(a) apply regardless of when the resolution is
1031 adopted.

1032 Section 9. Section **17C-1-407** is amended to read:

1033 **17C-1-407. Limitations on tax increment.**

1034 (1) (a) If the development of retail sales of goods is the primary objective of an urban
1035 renewal project area, tax increment from the urban renewal project area may not be paid to or
1036 used by an agency unless the agency makes a [finding of blight is made] development
1037 impediment determination under Chapter 2, Part 3, [~~Blight~~] Development Impediment

1038 Determination in Urban Renewal Project Areas.

1039 (b) Development of retail sales of goods does not disqualify an agency from receiving
1040 tax increment.

1041 (c) After July 1, 2005, an agency may not receive or use tax increment generated from
1042 the value of property within an economic development project area that is attributable to the
1043 development of retail sales of goods, unless the tax increment was previously pledged to pay
1044 for bonds or other contractual obligations of the agency.

1045 (2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from
1046 an increase in the taxing entity's tax rate that occurs after the taxing entity committee approves
1047 the project area budget unless, at the time the taxing entity committee approves the project area
1048 budget, the taxing entity committee approves payment of those increased taxes to the agency.

1049 (b) If the taxing entity committee does not approve payment of the increased taxes to
1050 the agency under Subsection (2)(a), the county shall distribute to the taxing entity the taxes
1051 attributable to the tax rate increase in the same manner as other property taxes.

1052 (c) Notwithstanding any other provision of this section, if, before tax year 2013,
1053 increased taxes are paid to an agency without the approval of the taxing entity committee, and
1054 notwithstanding the law at the time that the tax was collected or increased:

1055 (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity,
1056 or any other person or entity may not recover, directly or indirectly, the increased taxes from
1057 the agency by adjustment of a tax rate used to calculate tax increment or otherwise;

1058 (ii) the county is not liable to a taxing entity or any other person or entity for the
1059 increased taxes that were paid to the agency; and

1060 (iii) tax increment, including the increased taxes, shall continue to be paid to the
1061 agency subject to the same number of tax years, percentage of tax increment, and cumulative
1062 dollar amount of tax increment as approved in the project area budget and previously paid to
1063 the agency.

1064 (3) Except as the taxing entity committee otherwise agrees, an agency may not receive
1065 tax increment under an urban renewal or economic development project area budget adopted

1066 on or after March 30, 2009:

1067 (a) that exceeds the percentage of tax increment or cumulative dollar amount of tax
1068 increment specified in the project area budget; or

1069 (b) for more tax years than specified in the project area budget.

1070 Section 10. Section **17C-1-409** is amended to read:

1071 **17C-1-409. Allowable uses of agency funds.**

1072 (1) (a) An agency may use agency funds:

1073 (i) for any purpose authorized under this title;

1074 (ii) for administrative, overhead, legal, or other operating expenses of the agency,
1075 including consultant fees and expenses under Subsection **17C-2-102(1)(b)(ii)(B)** or funding for
1076 a business resource center;

1077 (iii) to pay for, including financing or refinancing, all or part of:

1078 (A) project area development in a project area, including environmental remediation
1079 activities occurring before or after adoption of the project area plan;

1080 (B) housing-related expenditures, projects, or programs as described in Section
1081 **17C-1-411** or **17C-1-412**;

1082 (C) an incentive or other consideration paid to a participant under a participation
1083 agreement;

1084 (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the
1085 installation and construction of any publicly owned building, facility, structure, landscaping, or
1086 other improvement within the project area from which the project area funds are collected; or

1087 (E) the cost of the installation of publicly owned infrastructure and improvements
1088 outside the project area from which the project area funds are collected if the board and the
1089 community legislative body determine by resolution that the publicly owned infrastructure and
1090 improvements benefit the project area;

1091 (iv) in an urban renewal project area that includes some or all of an inactive industrial
1092 site and subject to Subsection (1)(e), to reimburse the Department of Transportation created
1093 under Section **72-1-201**, or a public transit district created under Title 17B, Chapter 2a, Part 8,

1094 Public Transit District Act, for the cost of:

1095 (A) construction of a public road, bridge, or overpass;

1096 (B) relocation of a railroad track within the urban renewal project area; or

1097 (C) relocation of a railroad facility within the urban renewal project area; or

1098 (v) subject to Subsection (5), to transfer funds to a community that created the agency.

1099 (b) The determination of the board and the community legislative body under

1100 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

1101 (c) An agency may not use project area funds received from a taxing entity for the

1102 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an

1103 economic development project area plan, or a community reinvestment project area plan

1104 without the community legislative body's consent.

1105 (d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a

1106 project area fund to another project area fund if:

1107 (A) the board approves; and

1108 (B) the community legislative body approves.

1109 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the

1110 projections for agency funds are sufficient to repay the loan amount.

1111 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,

1112 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal

1113 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for

1114 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

1115 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection

1116 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the

1117 reimbursement with:

1118 (i) the Department of Transportation; or

1119 (ii) a public transit district.

1120 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not

1121 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use

1122 Tax Incentive Payments Act.

1123 (b) An agency may use sales and use tax revenue that the agency receives under an
1124 interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the
1125 interlocal agreement.

1126 (3) (a) An agency may contract with the community that created the agency or another
1127 public entity to use agency funds to reimburse the cost of items authorized by this title to be
1128 paid by the agency that are paid by the community or other public entity.

1129 (b) If land is acquired or the cost of an improvement is paid by another public entity
1130 and the land or improvement is leased to the community, an agency may contract with and
1131 make reimbursement from agency funds to the community.

1132 (4) Notwithstanding any other provision of this title, an agency may not use project
1133 area funds to construct a local government building unless the taxing entity committee or each
1134 taxing entity party to an interlocal agreement with the agency consents.

1135 (5) For the purpose of offsetting the community's annual local contribution to the
1136 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in
1137 a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and 17C-1-412
1138 [(+)] (3)(a)(x) may not exceed the community's annual local contribution as defined in Section
1139 35A-8-606.

1140 Section 11. Section 17C-1-412 is amended to read:

1141 **17C-1-412. Use of housing allocation -- Separate accounting required -- Issuance**
1142 **of bonds for housing -- Action to compel agency to provide housing allocation.**

1143 (1) (a) An agency shall use the agency's housing allocation[~~-, if applicable,~~] to:

1144 (i) pay part or all of the cost of land or construction of income targeted housing within
1145 the boundary of the agency, if practicable in a mixed income development or area;

1146 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the
1147 boundary of the agency;

1148 (iii) lend, grant, or contribute money to a person, public entity, housing authority,
1149 private entity or business, or nonprofit corporation for income targeted housing within the

1150 boundary of the agency;

1151 (iv) plan or otherwise promote income targeted housing within the boundary of the

1152 agency;

1153 (v) pay part or all of the cost of land or installation, construction, or rehabilitation of

1154 any building, facility, structure, or other housing improvement, including infrastructure

1155 improvements, related to housing located in a project area where ~~[blight has been found to~~

1156 ~~exist]~~ a board has determined that a development impediment exists;

1157 (vi) replace housing units lost as a result of the project area development;

1158 (vii) make payments on or establish a reserve fund for bonds:

1159 (A) issued by the agency, the community, or the housing authority that provides

1160 income targeted housing within the community; and

1161 (B) all or part of the proceeds of which are used within the community for the purposes

1162 stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

1163 (viii) if the community's fair share ratio at the time of the first adoption of the project

1164 area budget is at least 1.1 to 1.0, make payments on bonds:

1165 (A) that were previously issued by the agency, the community, or the housing authority

1166 that provides income targeted housing within the community; and

1167 (B) all or part of the proceeds of which were used within the community for the

1168 purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

1169 (ix) relocate mobile home park residents displaced by project area development; or

1170 (x) subject to Subsection (6), transfer funds to a community that created the agency.

1171 (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or

1172 any portion of the agency's housing allocation to:

1173 (i) the community for use as described in Subsection (1)(a);

1174 (ii) a housing authority that provides income targeted housing within the community

1175 for use in providing income targeted housing within the community;

1176 (iii) a housing authority established by the county in which the agency is located for

1177 providing:

- 1178 (A) income targeted housing within the county;
- 1179 (B) permanent housing, permanent supportive housing, or a transitional facility, as
- 1180 defined in Section 35A-5-302, within the county; or
- 1181 (C) homeless assistance within the county; or
- 1182 (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8,
- 1183 Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing within
- 1184 the community.
- 1185 (2) The agency shall create a housing fund and separately account for the agency's
- 1186 housing allocation, together with all interest earned by the housing allocation and all payments
- 1187 or repayments for loans, advances, or grants from the housing allocation.
- 1188 (3) An agency may:
- 1189 (a) issue bonds to finance a housing-related project under this section, including the
- 1190 payment of principal and interest upon advances for surveys and plans or preliminary loans;
- 1191 and
- 1192 (b) issue refunding bonds for the payment or retirement of bonds under Subsection
- 1193 (3)(a) previously issued by the agency.
- 1194 (4) (a) Except as provided in Subsection (4)(b), an agency shall allocate money to the
- 1195 housing fund each year in which the agency receives sufficient tax increment to make a
- 1196 housing allocation required by the project area budget.
- 1197 (b) Subsection (4)(a) does not apply in a year in which tax increment is insufficient.
- 1198 (5) (a) Except as provided in Subsection (4)(b), if an agency fails to provide a housing
- 1199 allocation in accordance with the project area budget and~~[, if applicable,]~~ the housing plan
- 1200 adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to compel
- 1201 the agency to provide the housing allocation.
- 1202 (b) In an action under Subsection (5)(a), the court:
- 1203 (i) shall award the loan fund board reasonable attorney fees, unless the court finds that
- 1204 the action was frivolous; and
- 1205 (ii) may not award the agency the agency's attorney fees, unless the court finds that the

1206 action was frivolous.

1207 (6) For the purpose of offsetting the community's annual local contribution to the
1208 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in
1209 a calendar year to a community under Subsections (1)(a)(x), 17C-1-409(1)(a)(v), and
1210 17C-1-411(1)(d) may not exceed the community's annual local contribution as defined in
1211 Section 35A-8-606.

1212 Section 12. Section 17C-1-802 is amended to read:

1213 **17C-1-802. Combining hearings.**

1214 A board may combine any combination of a [bight] development impediment hearing,
1215 a plan hearing, and a budget hearing.

1216 Section 13. Section 17C-1-803 is amended to read:

1217 **17C-1-803. Continuing a hearing.**

1218 Subject to Section 17C-1-804, the board may continue:

1219 (1) a [bight] development impediment hearing;

1220 (2) a plan hearing;

1221 (3) a budget hearing; or

1222 (4) a combined hearing under Section 17C-1-802.

1223 Section 14. Section 17C-1-804 is amended to read:

1224 **17C-1-804. Notice required for continued hearing.**

1225 The board shall give notice of a hearing continued under Section [~~17C-1-802~~]
1226 17C-1-803 by announcing at the hearing:

1227 (1) the date, time, and place the hearing will be resumed; or

1228 (2) (a) that the hearing is being continued to a later time; and

1229 (b) that the board will cause a notice of the continued hearing to be published on the

1230 Utah Public Notice Website created in Section 63F-1-701, at least seven days before the day on
1231 which the hearing is scheduled to resume.

1232 Section 15. Section 17C-1-805 is amended to read:

1233 **17C-1-805. Agency to provide notice of hearings.**

1234 (1) Each agency shall provide notice, in accordance with this part, of each:
1235 (a) [blight] development impediment hearing;
1236 (b) plan hearing; or
1237 (c) budget hearing.
1238 (2) The notice required under Subsection (1) may be combined with the notice required
1239 for any of the other hearings if the hearings are combined under Section 17C-1-802.

1240 Section 16. Section 17C-1-807 is amended to read:
1241 **17C-1-807. Additional requirements for notice of a development impediment**
1242 **hearing.**

1243 Each notice under Section 17C-1-806 for a [blight] development impediment hearing
1244 shall also include:

- 1245 (1) a statement that:
- 1246 (a) a project area is being proposed;
 - 1247 (b) the proposed project area may be [declared] determined to have [blight] a
1248 development impediment;
 - 1249 (c) the record owner of property within the proposed project area has the right to
1250 present evidence at the [blight] development impediment hearing contesting the existence of
1251 [blight] a development impediment;
 - 1252 (d) except for a hearing continued under Section 17C-1-803, the agency will notify the
1253 record owner of property referred to in Subsection 17C-1-806(1)(b)(i) of each additional public
1254 hearing held by the agency concerning the proposed project area before the adoption of the
1255 project area plan; and
 - 1256 (e) a person contesting the existence of [blight] a development impediment in the
1257 proposed project area may appear before the board and show cause why the proposed project
1258 area should not be designated as a project area; and
- 1259 (2) if the agency anticipates acquiring property in an urban renewal project area or a
1260 community reinvestment project area by eminent domain, a clear and plain statement that:
- 1261 (a) the project area plan may require the agency to use eminent domain; and

1262 (b) the proposed use of eminent domain will be discussed at the [~~blight~~] development
1263 impediment hearing.

1264 Section 17. Section **17C-1-902** is amended to read:

1265 **17C-1-902. Use of eminent domain -- Conditions.**

1266 (1) Except as provided in Subsection (2), an agency may not use eminent domain to
1267 acquire property.

1268 (2) Subject to the provisions of this part, an agency may, in accordance with Title 78B,
1269 Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in property:

1270 (a) within an urban renewal project area if:

1271 (i) the board makes a [~~finding of blight~~] development impediment determination under
1272 Chapter 2, Part 3, [~~Blight~~] Development Impediment Determination in Urban Renewal Project
1273 Areas; and

1274 (ii) the urban renewal project area plan provides for the use of eminent domain;

1275 (b) that is owned by an agency board member or officer and located within a project
1276 area, if the board member or officer consents;

1277 (c) within a community reinvestment project area if:

1278 (i) the board makes a [~~finding of blight in accordance with~~] development impediment
1279 determination under Chapter 5, Part 4, [~~Blight~~] Development Impediment Determination in a
1280 Community Reinvestment Project Area;

1281 (ii) (A) the original community reinvestment project area plan provides for the use of
1282 eminent domain; or

1283 (B) the community reinvestment project area plan is amended in accordance with
1284 Subsection **17C-5-112(4)**; and

1285 (iii) the agency creates a taxing entity committee in accordance with Section
1286 **17C-1-402**;

1287 (d) that:

1288 (i) is owned by a participant or a property owner that is entitled to receive tax
1289 increment or other assistance from the agency;

1290 (ii) is within a project area, regardless of when the project area is created, for which the
1291 ~~[agency made a finding of blight under Section 17C-2-102 or 17C-5-405]~~ board made a
1292 development impediment determination under Chapter 2, Part 3, Development Impediment
1293 Determination in Urban Renewal Project Areas, or Chapter 5, Part 4, Development Impediment
1294 Determination in a Community Reinvestment Project Area; and

1295 (iii) (A) the participant or property owner described in Subsection (2)(d)(i) fails to
1296 develop or improve in accordance with the participation agreement or the project area plan; or

1297 (B) for a period of 36 months does not generate the amount of tax increment that the
1298 agency projected to receive under the project area budget; or

1299 (e) if a property owner requests in writing that the agency exercise eminent domain to
1300 acquire the property owner's property within a project area.

1301 (3) An agency shall, in accordance with the provisions of this part, commence the
1302 acquisition of property described in Subsections (2)(a) through (c) by adopting a resolution
1303 authorizing eminent domain within five years after the day on which the project area plan is
1304 effective.

1305 Section 18. Section 17C-2-101.5 is amended to read:

1306 **17C-2-101.5. Resolution designating survey area -- Request to adopt resolution.**

1307 (1) A board may begin the process of adopting an urban renewal project area plan by
1308 adopting a resolution that:

1309 (a) designates an area located within the agency's boundaries as a survey area;

1310 (b) contains a statement that the survey area requires study to determine whether:

1311 (i) one or more urban renewal project areas within the survey area are feasible; and

1312 (ii) ~~[blight]~~ a development impediment exists within the survey area; and

1313 (c) contains a boundary description or map of the survey area.

1314 (2) (a) Any person or any group, association, corporation, or other entity may submit a
1315 written request to the board to adopt a resolution under Subsection (1).

1316 (b) A request under Subsection (2)(a) may include plans showing the project area
1317 development proposed for an area within the agency's boundaries.

1318 (c) The board may, in the board's sole discretion, grant or deny a request under
1319 Subsection (2)(a).

1320 Section 19. Section 17C-2-102 is amended to read:

1321 **17C-2-102. Process for adopting urban renewal project area plan -- Prerequisites**
1322 **-- Restrictions.**

1323 (1) (a) In order to adopt an urban renewal project area plan, after adopting a resolution
1324 under Subsection 17C-2-101.5(1) the agency shall:

1325 (i) unless a [~~finding of blight~~] development impediment determination is based on a
1326 [~~finding~~] determination made under Subsection 17C-2-303(1)(b) relating to an inactive
1327 industrial site or inactive airport site:

1328 (A) cause a [~~blight~~] development impediment study to be conducted within the survey
1329 area as provided in Section 17C-2-301;

1330 (B) provide notice of a [~~blight~~] development impediment hearing as required under
1331 Chapter 1, Part 8, Hearing and Notice Requirements; and

1332 (C) hold a [~~blight~~] development impediment hearing as described in Section
1333 17C-2-302;

1334 (ii) after the [~~blight~~] development impediment hearing has been held or, if no [~~blight~~]
1335 development impediment hearing is required under Subsection (1)(a)(i), after adopting a
1336 resolution under Subsection 17C-2-101.5(1), hold a board meeting at which the board shall:

1337 (A) consider:

1338 (I) [~~the issue of blight and~~] the evidence and information relating to the existence or
1339 nonexistence of [~~blight~~] a development impediment; and

1340 (II) whether adoption of one or more urban renewal project area plans should be
1341 pursued; and

1342 (B) by resolution:

1343 (I) make a [~~finding~~] determination regarding the existence of [~~blight~~] a development
1344 impediment in the proposed urban renewal project area;

1345 (II) select one or more project areas comprising part or all of the survey area; and

1346 (III) authorize the preparation of a proposed project area plan for each project area;
1347 (iii) prepare a proposed project area plan and conduct any examination, investigation,
1348 and negotiation regarding the project area plan that the agency considers appropriate;
1349 (iv) make the proposed project area plan available to the public at the agency's offices
1350 during normal business hours;
1351 (v) provide notice of the plan hearing in accordance with Sections 17C-1-806 and
1352 17C-1-808;
1353 (vi) hold a plan hearing on the proposed project area plan and, at the plan hearing:
1354 (A) allow public comment on:
1355 (I) the proposed project area plan; and
1356 (II) whether the proposed project area plan should be revised, approved, or rejected;
1357 and
1358 (B) receive all written and hear all oral objections to the proposed project area plan;
1359 (vii) before holding the plan hearing, provide an opportunity for the State Board of
1360 Education and each taxing entity that levies a tax on property within the proposed project area
1361 to consult with the agency regarding the proposed project area plan;
1362 (viii) if applicable, hold the election required under Subsection 17C-2-105(3);
1363 (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting
1364 consider:
1365 (A) the oral and written objections to the proposed project area plan and evidence and
1366 testimony for and against adoption of the proposed project area plan; and
1367 (B) whether to revise, approve, or reject the proposed project area plan;
1368 (x) approve the proposed project area plan, with or without revisions, as the project
1369 area plan by a resolution that complies with Section 17C-2-106; and
1370 (xi) submit the project area plan to the community legislative body for adoption.
1371 (b) (i) If an agency makes a ~~[finding]~~ determination under Subsection (1)(a)(ii)(B) that
1372 ~~[blight]~~ a development impediment exists in the proposed urban renewal project area, the
1373 agency may not adopt the project area plan until the taxing entity committee approves the

- 1374 [~~finding of blight~~] development impediment determination.
- 1375 (ii) (A) A taxing entity committee may not disapprove an agency's [~~finding of blight~~]
1376 development impediment determination unless the committee demonstrates that the conditions
1377 the agency found to exist in the urban renewal project area that support the agency's [~~finding of~~
1378 ~~blight~~] development impediment determination under Section 17C-2-303:
- 1379 (I) do not exist; or
- 1380 (II) do not constitute [~~blight~~] a development impediment.
- 1381 (B) (I) If the taxing entity committee questions or disputes the existence of some or all
1382 of the [~~blight~~] development impediment conditions that the agency [~~found~~] determined to exist
1383 in the urban renewal project area or that those conditions constitute [~~blight~~] a development
1384 impediment, the taxing entity committee may hire a consultant, mutually agreed upon by the
1385 taxing entity committee and the agency, with the necessary expertise to assist the taxing entity
1386 committee to make a determination as to the existence of the questioned or disputed [~~blight~~]
1387 development impediment conditions.
- 1388 (II) The agency shall pay the fees and expenses of each consultant hired under
1389 Subsection (1)(b)(ii)(B)(I).
- 1390 (III) The [~~findings~~] determination of a consultant under this Subsection (1)(b)(ii)(B)
1391 shall be binding on the taxing entity committee and the agency.
- 1392 (2) An agency may not propose a project area plan under Subsection (1) unless the
1393 community in which the proposed project area is located:
- 1394 (a) has a planning commission; and
- 1395 (b) has adopted a general plan under:
- 1396 (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
1397 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- 1398 (3) (a) Subject to Subsection (3)(b), a board may not approve a project area plan more
1399 than one year after adoption of a resolution making a [~~finding of blight~~] development
1400 impediment determination under Subsection (1)(a)(ii)(B).
- 1401 (b) If a project area plan is submitted to an election under Subsection 17C-2-105(3),

1402 the time between the plan hearing and the date of the election does not count for purposes of
1403 calculating the year period under Subsection (3)(a).

1404 (4) (a) Except as provided in Subsection (4)(b), a proposed project area plan may not
1405 be modified to add real property to the proposed project area unless the board holds a plan
1406 hearing to consider the addition and gives notice of the plan hearing as required under Sections
1407 [17C-1-806](#) and [17C-1-808](#).

1408 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a
1409 proposed project area plan being modified to add real property to the proposed project area if:

1410 (i) the property is contiguous to the property already included in the proposed project
1411 area under the proposed project area plan;

1412 (ii) the record owner of the property consents to adding the real property to the
1413 proposed project area; and

1414 (iii) the property is located within the survey area.

1415 Section 20. Section **17C-2-103** is amended to read:

1416 **17C-2-103. Urban renewal project area plan requirements.**

1417 (1) [~~Each~~] An agency shall ensure that each urban renewal project area plan and
1418 proposed project area plan [~~shall~~]:

1419 (a) [~~describe~~] describes the boundaries of the project area, subject to Section
1420 [17C-1-414](#), if applicable;

1421 (b) [~~contain~~] contains a general statement of the land uses, layout of principal streets,
1422 population densities, and building intensities of the project area and how they will be affected
1423 by the project area development;

1424 (c) [~~state~~] states the standards that will guide the project area development;

1425 (d) [~~show~~] shows how the purposes of this title will be attained by the project area
1426 development;

1427 (e) [~~be~~] is consistent with the general plan of the community in which the project area
1428 is located and show that the project area development will conform to the community's general
1429 plan;

- 1430 (f) [~~describe~~] describes how the project area development will reduce or eliminate
1431 [~~blight~~] a development impediment in the project area;
- 1432 (g) [~~describe~~] describes any specific project or projects that are the object of the
1433 proposed project area development;
- 1434 (h) [~~identify~~] identifies how a participant will be selected to undertake the project area
1435 development and identify each participant currently involved in the project area development;
- 1436 (i) [~~state~~] states the reasons for the selection of the project area;
- 1437 (j) [~~describe~~] describes the physical, social, and economic conditions existing in the
1438 project area;
- 1439 (k) [~~describe~~] describes any tax incentives offered private entities for facilities located
1440 in the project area;
- 1441 (l) [~~include~~] includes the analysis described in Subsection (2);
- 1442 (m) if any of the existing buildings or uses in the project area are included in or eligible
1443 for inclusion in the National Register of Historic Places or the State Register, [~~state~~] states that
1444 the agency shall comply with Section 9-8-404 as though the agency were a state agency; and
- 1445 (n) [~~include~~] includes other information that the agency determines to be necessary or
1446 advisable.
- 1447 (2) [~~Each~~] An agency shall ensure that each analysis under Subsection (1)(l) [~~shall~~
1448 ~~consider~~] considers:
- 1449 (a) the benefit of any financial assistance or other public subsidy proposed to be
1450 provided by the agency, including:
- 1451 (i) an evaluation of the reasonableness of the costs of the project area development;
- 1452 (ii) efforts the agency or participant has made or will make to maximize private
1453 investment;
- 1454 (iii) the rationale for use of tax increment, including an analysis of whether the
1455 proposed project area development might reasonably be expected to occur in the foreseeable
1456 future solely through private investment; and
- 1457 (iv) an estimate of the total amount of tax increment that will be expended in

1458 undertaking project area development and the project area funds collection period; and

1459 (b) the anticipated public benefit to be derived from the project area development,
1460 including:

1461 (i) the beneficial influences upon the tax base of the community;

1462 (ii) the associated business and economic activity likely to be stimulated; and

1463 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or
1464 eliminate ~~[blight]~~ a development impediment.

1465 Section 21. Section **17C-2-106** is amended to read:

1466 **17C-2-106. Board resolution approving urban renewal project area plan --**
1467 **Requirements.**

1468 ~~[Each board]~~ A board shall ensure that each resolution approving a proposed urban
1469 renewal project area plan as the project area plan under Subsection **17C-2-102**(1)(a)(x) ~~[shall~~
1470 ~~contain]~~ contains:

1471 (1) a boundary description of the boundaries of the project area that is the subject of the
1472 project area plan;

1473 (2) the agency's purposes and intent with respect to the project area;

1474 (3) the project area plan incorporated by reference;

1475 (4) a statement that the board previously made a ~~[finding of blight]~~ development
1476 impediment determination within the project area and the date of the board's ~~[finding of blight]~~
1477 determination; and

1478 (5) the board findings and determinations that:

1479 (a) there is a need to effectuate a public purpose;

1480 (b) there is a public benefit under the analysis described in Subsection **17C-2-103**(2);

1481 (c) it is economically sound and feasible to adopt and carry out the project area plan;

1482 (d) the project area plan conforms to the community's general plan; and

1483 (e) carrying out the project area plan will promote the public peace, health, safety, and
1484 welfare of the community in which the project area is located.

1485 Section 22. Section **17C-2-110** is amended to read:

1486 **17C-2-110. Amending an urban renewal project area plan.**

1487 (1) ~~[An]~~ An agency may amend an urban renewal project area plan ~~[may be amended]~~
1488 as provided in this section.

1489 (2) If an agency proposes to amend an urban renewal project area plan to enlarge the
1490 project area:

1491 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
1492 a project area plan apply equally to the proposed amendment as if it were a proposed project
1493 area plan;

1494 (b) for a pre-July 1, 1993₂ project area plan, the base year for the new area added to the
1495 project area shall be determined under Subsection [17C-1-102\(9\)](#) using the effective date of the
1496 amended project area plan;

1497 (c) for a post-June 30, 1993₂ project area plan:

1498 (i) the base year for the new area added to the project area shall be determined under
1499 Subsection [17C-1-102\(9\)](#) using the date of the taxing entity committee's consent referred to in
1500 Subsection (2)(c)(ii); and

1501 (ii) the agency shall obtain the consent of the taxing entity committee before the agency
1502 may collect tax increment from the area added to the project area by the amendment;

1503 (d) the agency shall make a ~~[finding]~~ determination regarding the existence of ~~[blight]~~
1504 a development impediment in the area proposed to be added to the project area by following
1505 the procedure set forth in Chapter 2, Part 3, ~~[Blight]~~ Development Impediment Determination
1506 in Urban Renewal Project Areas; and

1507 (e) the agency need not make a ~~[finding regarding the existence of blight]~~ development
1508 impediment determination in the project area as described in the original project area plan, if
1509 the agency made a ~~[finding of the existence of blight]~~ development impediment determination
1510 regarding that project area in connection with adoption of the original project area plan.

1511 (3) If a proposed amendment does not propose to enlarge an urban renewal project
1512 area, a board may adopt a resolution approving an amendment to a project area plan after:

1513 (a) the agency gives notice, as provided in Section [17C-1-806](#), of the proposed

1514 amendment and of the public hearing required by Subsection (3)(b);

1515 (b) the board holds a public hearing on the proposed amendment that meets the
1516 requirements of a plan hearing;

1517 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
1518 amendment proposes:

1519 (i) to enlarge the area within the project area from which tax increment is collected;

1520 (ii) to permit the agency to receive a greater percentage of tax increment or to extend
1521 the project area funds collection period, or both, than allowed under the adopted project area
1522 plan; or

1523 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to
1524 expand the area from which tax increment is collected to exceed 100 acres of private property;
1525 and

1526 (d) the agency obtains the consent of the legislative body or governing board of each
1527 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
1528 than all taxing entities, a greater percentage of tax increment or to extend the project area funds
1529 collection period, or both, than allowed under the adopted project area plan.

1530 (4) (a) ~~[An]~~ An agency may amend an urban renewal project area plan ~~[may be~~
1531 ~~amended]~~ without complying with the notice and public hearing requirements of Subsections
1532 (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under
1533 Subsection (3)(c) if the amendment:

1534 (i) makes a minor adjustment in the boundary description of a project area boundary
1535 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
1536 or

1537 (ii) subject to Subsection (4)(b), removes one or more parcels from a project area
1538 because the agency determines that each parcel removed is:

1539 (A) tax exempt;

1540 (B) ~~[no longer blighted]~~ without a development impediment; or

1541 (C) no longer necessary or desirable to the project area.

1542 (b) ~~[An]~~ An agency may make an amendment removing one or more parcels from a
1543 project area under Subsection (4)(a)(ii) ~~[may be made]~~ without the consent of the record
1544 property owner of each parcel being removed.

1545 (5) (a) An amendment approved by board resolution under this section may not take
1546 effect until adopted by ordinance of the legislative body of the community in which the project
1547 area that is the subject of the project area plan being amended is located.

1548 (b) Upon a community legislative body passing an ordinance adopting an amendment
1549 to a project area plan, the agency whose project area plan was amended shall comply with the
1550 requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment
1551 were a project area plan.

1552 (6) (a) Within 30 days after the day on which an amendment to a project area plan
1553 becomes effective, a person may contest the amendment to the project area plan or the
1554 procedure used to adopt the amendment to the project area plan if the amendment or procedure
1555 fails to comply with a provision of this title.

1556 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not
1557 contest the amendment to the project area plan or procedure used to adopt the amendment to
1558 the project area plan for any cause.

1559 Section 23. Section 17C-2-202 is amended to read:

1560 **17C-2-202. Combined incremental value -- Restriction against adopting an urban**
1561 **renewal project area budget -- Taxing entity committee may waive restriction.**

1562 (1) Except as provided in Subsection (2), an agency may not adopt an urban renewal
1563 project area budget if, at the time the urban renewal project area budget is being considered, the
1564 combined incremental value for the agency exceeds 10% of the total taxable value of property
1565 within the agency's boundaries in the year that the urban renewal project area budget is being
1566 considered.

1567 (2) (a) A taxing entity committee may waive the restrictions imposed by Subsection
1568 (1).

1569 (b) Subsection (1) does not apply to an urban renewal project area budget if the

1570 agency's [~~finding of blight~~] development impediment determination in the project area to which
1571 the budget relates is based on a [~~finding~~] determination under Subsection 17C-2-303(1)(b).

1572 Section 24. Section 17C-2-301 is amended to read:

1573 **Part 3. Development Impediment Determination in Urban Renewal Project Areas**

1574 **17C-2-301. Development impediment study -- Requirements -- Deadline.**

1575 (1) [~~Each blight~~] An agency shall ensure that each development impediment study
1576 required under Subsection 17C-2-102(1)(a)(i)(A) [~~shall~~]:

1577 (a) [~~undertake~~] undertakes a parcel by parcel survey of the survey area;

1578 (b) [~~provide~~] provides data so the board and taxing entity committee may determine:

1579 (i) whether the conditions described in Subsection 17C-2-303(1):

1580 (A) exist in part or all of the survey area; and

1581 (B) qualify an area within the survey area as a project area; and

1582 (ii) whether the survey area contains all or part of a superfund site, an inactive
1583 industrial site, or inactive airport site;

1584 (c) [~~include~~] includes a written report setting forth:

1585 (i) the conclusions reached;

1586 (ii) any recommended area within the survey area qualifying as a project area; and

1587 (iii) any other information requested by the agency to determine whether an urban
1588 renewal project area is feasible; and

1589 (d) [~~be~~] is completed within one year after the adoption of the survey area resolution.

1590 (2) (a) If a [~~blight~~] development impediment study is not completed within one year
1591 after the adoption of the resolution under Subsection 17C-2-101.5(1) designating a survey area,
1592 the agency may not approve an urban renewal project area plan based on that [~~blight~~]
1593 development impediment study unless [~~it~~] the agency first adopts a new resolution under
1594 Subsection 17C-2-101.5(1).

1595 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a
1596 resolution under Subsection 17C-2-101.5(1) adopted for the first time, except that any actions
1597 taken toward completing a [~~blight~~] development impediment study under the resolution that the

1598 new resolution replaces shall be considered to have been taken under the new resolution.

1599 Section 25. Section **17C-2-302** is amended to read:

1600 **17C-2-302. Development impediment hearing -- Owners may review evidence of**
1601 **a development impediment.**

1602 (1) In each hearing required under Subsection **17C-2-102(1)(a)(i)(C)**, the agency shall:

1603 (a) permit all evidence of the existence or nonexistence of [~~blight~~] a development
1604 impediment within the proposed urban renewal project area to be presented; and

1605 (b) permit each record owner of property located within the proposed urban renewal
1606 project area or the record property owner's representative the opportunity to:

1607 (i) examine and cross-examine witnesses providing evidence of the existence or
1608 nonexistence of [~~blight~~] a development impediment; and

1609 (ii) present evidence and testimony, including expert testimony, concerning the
1610 existence or nonexistence of [~~blight~~] a development impediment.

1611 (2) The agency shall allow record owners of property located within a proposed urban
1612 renewal project area the opportunity, for at least 30 days before the hearing, to review the
1613 evidence of [~~blight~~] a development impediment compiled by the agency or by the person or
1614 firm conducting the [~~blight~~] development impediment study for the agency, including any
1615 expert report.

1616 Section 26. Section **17C-2-303** is amended to read:

1617 **17C-2-303. Conditions on board determination of a development impediment --**
1618 **Conditions of a development impediment caused by the participant.**

1619 (1) A board may not make a [~~finding of blight~~] development impediment determination
1620 in a resolution under Subsection **17C-2-102(1)(a)(ii)(B)** unless the board finds that:

1621 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;

1622 (ii) the proposed project area is currently zoned for urban purposes and generally
1623 served by utilities;

1624 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural
1625 or nonaccessory buildings or improvements used or intended for residential, commercial,

1626 industrial, or other urban purposes, or any combination of those uses;

1627 (iv) the present condition or use of the proposed project area substantially impairs the
1628 sound growth of the municipality, retards the provision of housing accommodations, or
1629 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as
1630 shown by the existence within the proposed project area of at least four of the following
1631 factors:

1632 (A) one of the following, although sometimes interspersed with well maintained
1633 buildings and infrastructure:

1634 (I) substantial physical dilapidation, deterioration, or defective construction of
1635 buildings or infrastructure; or

1636 (II) significant noncompliance with current building code, safety code, health code, or
1637 fire code requirements or local ordinances;

1638 (B) unsanitary or unsafe conditions in the proposed project area that threaten the
1639 health, safety, or welfare of the community;

1640 (C) environmental hazards, as defined in state or federal law, that require remediation
1641 as a condition for current or future use and development;

1642 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
1643 urban use and served by utilities;

1644 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
1645 welfare;

1646 (F) criminal activity in the project area, higher than that of comparable [~~nonblighted~~]
1647 areas in the municipality or county that are without a development impediment; and

1648 (G) defective or unusual conditions of title rendering the title nonmarketable; and

1649 (v) (A) at least 50% of the privately-owned parcels within the proposed project area are
1650 affected by at least one of the factors, but not necessarily the same factor, listed in Subsection
1651 (1)(a)(iv); and

1652 (B) the affected parcels comprise at least 66% of the privately-owned acreage of the
1653 proposed project area; or

1654 (b) the proposed project area includes some or all of a superfund site, inactive
1655 industrial site, or inactive airport site.

1656 (2) No single parcel comprising 10% or more of the acreage of the proposed project
1657 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
1658 that parcel is occupied by buildings or improvements.

1659 (3) (a) For purposes of Subsection (1), if a participant involved in the project area
1660 development has caused a condition listed in Subsection (1)(a)(iv) within the proposed project
1661 area, that condition may not be used in the determination of ~~[blight]~~ a development
1662 impediment.

1663 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
1664 tenant who becomes a participant.

1665 Section 27. Section 17C-2-304 is amended to read:

1666 **17C-2-304. Challenging a development impediment determination -- Time limit --**
1667 **De novo review.**

1668 (1) If the board makes a ~~[finding of blight]~~ development impediment determination
1669 under Subsection 17C-2-102(1)(a)(ii)(B) and that ~~[finding]~~ determination is approved by
1670 resolution adopted by the taxing entity committee, a record owner of property located within
1671 the proposed urban renewal project area may challenge the ~~[finding]~~ determination by filing an
1672 action with the district court for the county in which the property is located.

1673 (2) ~~[Each]~~ A person shall file a challenge under Subsection (1) ~~[shall be filed]~~ within
1674 30 days after the taxing entity committee approves the board's ~~[finding of blight]~~ development
1675 impediment determination.

1676 (3) In each action under this section, the district court shall review the ~~[finding of~~
1677 ~~blight]~~ development impediment determination under the standards of review provided in
1678 Subsection 10-9a-801(3).

1679 Section 28. Section 17C-5-103 is amended to read:

1680 **17C-5-103. Initiating a community reinvestment project area plan.**

1681 (1) Subject to Subsection (2), a board shall initiate the process of adopting a

1682 community reinvestment project area plan by adopting a survey area resolution that:

1683 (a) designates a geographic area located within the agency's boundaries as a survey

1684 area;

1685 (b) contains a description or map of the boundaries of the survey area;

1686 (c) contains a statement that the survey area requires study to determine whether

1687 project area development is feasible within one or more proposed community reinvestment

1688 project areas within the survey area; and

1689 (d) authorizes the agency to:

1690 (i) prepare a proposed community reinvestment project area plan for each proposed

1691 community reinvestment project area; and

1692 (ii) conduct any examination, investigation, or negotiation regarding the proposed

1693 community reinvestment project area that the agency considers appropriate.

1694 (2) If an agency anticipates using eminent domain to acquire property within the survey

1695 area, the resolution described in Subsection (1) shall include:

1696 (a) a statement that the survey area requires study to determine whether ~~blight~~ a

1697 development impediment exists within the survey area; and

1698 (b) authorization for the agency to conduct a ~~blight~~ development impediment study in

1699 accordance with Section [17C-5-403](#).

1700 Section 29. Section **17C-5-104** is amended to read:

1701 **17C-5-104. Process for adopting a community reinvestment project area plan --**

1702 **Prerequisites -- Restrictions.**

1703 (1) An agency may not propose a community reinvestment project area plan unless the

1704 community in which the proposed community reinvestment project area plan is located:

1705 (a) has a planning commission; and

1706 (b) has adopted a general plan under:

1707 (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or

1708 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

1709 (2) (a) Before an agency may adopt a proposed community reinvestment project area

1710 plan, the agency shall conduct a [~~blight~~] development impediment study and make a [~~blight~~]
1711 development impediment determination in accordance with Part 4, [~~Blight~~] Development
1712 Impediment Determination in a Community Reinvestment Project Area, if the agency
1713 anticipates using eminent domain to acquire property within the proposed community
1714 reinvestment project area.

1715 (b) If applicable, an agency may not approve a community reinvestment project area
1716 plan more than one year after the agency adopts a resolution making a [~~finding of blight~~]
1717 development impediment determination under Section 17C-5-402.

1718 (3) To adopt a community reinvestment project area plan, an agency shall:

1719 (a) prepare a proposed community reinvestment project area plan in accordance with
1720 Section 17C-5-105;

1721 (b) make the proposed community reinvestment project area plan available to the
1722 public at the agency's office during normal business hours for at least 30 days before the plan
1723 hearing described in Subsection (3)(e);

1724 (c) before holding the plan hearing described in Subsection (3)(e), provide an
1725 opportunity for the State Board of Education and each taxing entity that levies or imposes a tax
1726 within the proposed community reinvestment project area to consult with the agency regarding
1727 the proposed community reinvestment project area plan;

1728 (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing
1729 and Notice Requirements;

1730 (e) hold a plan hearing on the proposed community reinvestment project area plan and,
1731 at the plan hearing:

1732 (i) allow public comment on:

1733 (A) the proposed community reinvestment project area plan; and

1734 (B) whether the agency should revise, approve, or reject the proposed community
1735 reinvestment project area plan; and

1736 (ii) receive all written and oral objections to the proposed community reinvestment
1737 project area plan; and

1738 (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency
1739 meeting:

1740 (i) consider:

1741 (A) the oral and written objections to the proposed community reinvestment project
1742 area plan and evidence and testimony for and against adoption of the proposed community
1743 reinvestment project area plan; and

1744 (B) whether to revise, approve, or reject the proposed community reinvestment project
1745 area plan;

1746 (ii) adopt a resolution in accordance with Section 17C-5-108 that approves the
1747 proposed community reinvestment project area plan, with or without revisions, as the
1748 community reinvestment project area plan; and

1749 (iii) submit the community reinvestment project area plan to the community legislative
1750 body for adoption.

1751 (4) (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed
1752 community reinvestment project area plan to add one or more parcels to the proposed
1753 community reinvestment project area unless the agency holds a plan hearing to consider the
1754 addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and
1755 Notice Requirements.

1756 (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to
1757 a proposed community reinvestment project area plan being modified to add one or more
1758 parcels to the proposed community reinvestment project area if:

1759 (i) each parcel is contiguous to one or more parcels already included in the proposed
1760 community reinvestment project area under the proposed community reinvestment project area
1761 plan;

1762 (ii) the record owner of each parcel consents to adding the parcel to the proposed
1763 community reinvestment project area; and

1764 (iii) each parcel is located within the survey area.

1765 Section 30. Section 17C-5-105 is amended to read:

- 1766 **17C-5-105. Community reinvestment project area plan requirements.**
1767 [Each] An agency shall ensure that each community reinvestment project area plan and
1768 proposed community reinvestment project area plan ~~shall~~:
- 1769 (1) subject to Section [17C-1-414](#), if applicable, ~~include~~ includes a boundary
1770 description and a map of the community reinvestment project area;
- 1771 (2) ~~contain~~ contains a general statement of the existing land uses, layout of principal
1772 streets, population densities, and building intensities of the community reinvestment project
1773 area and how each will be affected by project area development;
- 1774 (3) ~~state~~ states the standards that will guide project area development;
- 1775 (4) ~~show~~ shows how project area development will further purposes of this title;
- 1776 (5) ~~be~~ is consistent with the general plan of the community in which the community
1777 reinvestment project area is located and ~~show~~ shows that project area development will
1778 conform to the community's general plan;
- 1779 (6) if applicable, ~~describe~~ describes how project area development will eliminate or
1780 reduce ~~blight~~ a development impediment in the community reinvestment project area;
- 1781 (7) ~~describe~~ describes any specific project area development that is the object of the
1782 community reinvestment project area plan;
- 1783 (8) if applicable, ~~explain~~ explains how the agency plans to select a participant;
- 1784 (9) ~~state~~ states each reason the agency selected the community reinvestment project
1785 area;
- 1786 (10) ~~describe~~ describes the physical, social, and economic conditions that exist in the
1787 community reinvestment project area;
- 1788 (11) ~~describe~~ describes each type of financial assistance that the agency anticipates
1789 offering a participant;
- 1790 (12) ~~include~~ includes an analysis or description of the anticipated public benefit
1791 resulting from project area development, including benefits to the community's economic
1792 activity and tax base;
- 1793 (13) if applicable, ~~state~~ states that the agency shall comply with Section [9-8-404](#) as

1794 required under Section [17C-5-106](#);

1795 (14) ~~[state]~~ for a community reinvestment project area plan that an agency adopted
1796 before May 14, 2019, states whether the community reinvestment project area plan or proposed
1797 community reinvestment project area plan is subject to a taxing entity committee or an
1798 interlocal agreement; and

1799 (15) ~~[include]~~ includes other information that the agency determines to be necessary or
1800 advisable.

1801 Section 31. Section **17C-5-108** is amended to read:

1802 **17C-5-108. Board resolution approving a community reinvestment project area**
1803 **plan -- Requirements.**

1804 A board shall ensure that a resolution approving a proposed community reinvestment
1805 area plan as the community reinvestment project area plan under Section [17C-5-104](#) ~~[shall~~
1806 ~~contain]~~ contains:

1807 (1) a boundary description of the community reinvestment project area that is the
1808 subject of the community reinvestment project area plan;

1809 (2) the agency's purposes and intent with respect to the community reinvestment
1810 project area;

1811 (3) the proposed community reinvestment project area plan incorporated by reference;

1812 (4) the board findings and determinations that the proposed community reinvestment
1813 project area plan:

1814 (a) serves a public purpose;

1815 (b) produces a public benefit as demonstrated by the analysis described in Subsection
1816 [17C-5-105](#)(12);

1817 (c) is economically sound and feasible;

1818 (d) conforms to the community's general plan; and

1819 (e) promotes the public peace, health, safety, and welfare of the community in which
1820 the proposed community reinvestment project area is located; and

1821 (5) if the board made a ~~[finding of blight]~~ development impediment determination

1822 under Section 17C-5-402, a statement that the board made a [~~finding of blight~~] development
1823 impediment determination within the proposed community reinvestment project area and the
1824 date on which the board made the [~~finding of blight~~] determination.

1825 Section 32. Section 17C-5-112 is amended to read:

1826 **17C-5-112. Amending a community reinvestment project area plan.**

1827 (1) An agency may amend a community reinvestment project area plan in accordance
1828 with this section.

1829 (2) (a) If an amendment proposes to enlarge a community reinvestment project area's
1830 geographic area, the agency shall:

1831 (i) comply with this part as though the agency were creating a community reinvestment
1832 project area;

1833 (ii) if the agency anticipates receiving project area funds from the area proposed to be
1834 added to the community reinvestment project area, before the agency may collect project area
1835 funds:

1836 (A) for a community reinvestment project area plan that is subject to a taxing entity
1837 committee, obtain approval to receive tax increment from the taxing entity committee; or

1838 (B) for a community reinvestment project area plan that is subject to an interlocal
1839 agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement;
1840 and

1841 (iii) if the agency anticipates acquiring property in the area proposed to be added to the
1842 community reinvestment project area by eminent domain, follow the procedures described in
1843 Section 17C-5-402.

1844 (b) The base year for the area proposed to be added to the community reinvestment
1845 project area shall be determined using the date of:

1846 (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or

1847 (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).

1848 (3) If an amendment does not propose to enlarge a community reinvestment project
1849 area's geographic area, the board may adopt a resolution approving the amendment after the

1850 agency:

1851 (a) if the amendment does not propose to allow the agency to receive a greater amount
1852 of project area funds or to extend a project area funds collection period:

1853 (i) gives notice in accordance with Section 17C-1-806; and

1854 (ii) holds a public hearing on the proposed amendment that meets the requirements
1855 described in Subsection 17C-5-104(3); or

1856 (b) if the amendment proposes to also allow the agency to receive a greater amount of
1857 project area funds or to extend a project area funds collection period:

1858 (i) complies with Subsection (3)(a)(i) and (ii); and

1859 (ii) (A) for a community reinvestment project area plan that is subject to a taxing entity
1860 committee, obtains approval from the taxing entity committee; or

1861 (B) for a community reinvestment project area plan that is subject to an interlocal
1862 agreement, obtains approval to receive project area funds from the taxing entity that is a party
1863 to the interlocal agreement.

1864 ~~[(4)(a) An agency may amend a community reinvestment project area plan for a
1865 community reinvestment project area that is subject to an interlocal agreement for the purpose
1866 of using eminent domain to acquire one or more parcels within the community reinvestment
1867 project area.]~~

1868 (4) (a) If a board has not made a determination under Part 4, Development Impediment
1869 Determination in a Community Reinvestment Project Area, but intends to use eminent domain
1870 within a community reinvestment project area, the agency may amend the community
1871 reinvestment project area plan in accordance with this Subsection (4).

1872 (b) To amend a community reinvestment project area plan as described in Subsection
1873 (4)(a), an agency shall:

1874 (i) adopt a survey area resolution that identifies each parcel that the agency intends to
1875 study to determine whether ~~[blight]~~ a development impediment exists;

1876 (ii) in accordance with Part 4, ~~[Blight]~~ Development Impediment Determination in a
1877 Community Reinvestment Project Area, conduct a [blight] development impediment study

1878 within the survey area and make a [~~blight~~] development impediment determination; and
1879 [~~(iii) create a taxing entity committee whose sole purpose is to approve any finding of~~
1880 ~~blight in accordance with Subsection 17C-5-402(3), and]~~
1881 [~~(iv)~~] (iii) obtain approval to amend the community reinvestment project area plan
1882 from each taxing entity that is a party to an interlocal agreement.
1883 (c) Amending a community reinvestment project area plan as described in this
1884 Subsection (4) does not affect:
1885 (i) the base year of the parcel or parcels that are the subject of an amendment under this
1886 Subsection (4); and
1887 (ii) any interlocal agreement under which the agency is authorized to receive project
1888 area funds from the community reinvestment project area.
1889 (5) An agency may amend a community reinvestment project area plan without
1890 obtaining the consent of a taxing entity or a taxing entity committee and without providing
1891 notice or holding a public hearing if the amendment:
1892 (a) makes a minor adjustment in the community reinvestment project area boundary
1893 that is requested by a county assessor or county auditor to avoid inconsistent property boundary
1894 lines; or
1895 (b) removes one or more parcels from a community reinvestment project area because
1896 the agency determines that each parcel is:
1897 (i) tax exempt;
1898 (ii) [~~no longer blighted~~] without a development impediment; or
1899 (iii) no longer necessary or desirable to the project area.
1900 (6) (a) An amendment approved by board resolution under this section may not take
1901 effect until the community legislative body adopts an ordinance approving the amendment.
1902 (b) Upon the community legislative body adopting an ordinance approving an
1903 amendment under Subsection (6)(a), the agency shall comply with the requirements described
1904 in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community reinvestment
1905 project area plan.

1906 (7) (a) Within 30 days after the day on which an amendment to a project area plan
1907 becomes effective, a person may contest the amendment to the project area plan or the
1908 procedure used to adopt the amendment to the project area plan if the amendment or procedure
1909 fails to comply with a provision of this title.

1910 (b) After the 30-day period described in Subsection (7)(a) expires, a person may not
1911 contest the amendment to the project area plan or procedure used to adopt the amendment to
1912 the project area plan for any cause.

1913 Section 33. Section **17C-5-202** is amended to read:

1914 **17C-5-202. Community reinvestment project area funding.**

1915 (1) (a) [~~Except~~] Beginning on May 14, 2019, and except as provided in Subsection (2),
1916 for the purpose of receiving project area funds for use within a community reinvestment project
1917 area, an agency shall negotiate and enter into an interlocal agreement with a taxing entity in
1918 accordance with Section 17C-5-204 to receive all or a portion of the taxing entity's tax
1919 increment or sales and use tax revenue in accordance with the interlocal agreement.

1920 (b) If a community reinvestment project area is subject to an interlocal agreement
1921 under Subsection (1)(a) and the agency subsequently amends the community reinvestment
1922 project area plan as described in Subsection 17C-5-112(4), the agency shall continue to receive
1923 project area funds under the interlocal agreement.

1924 [~~(2) If an agency plans to create a community reinvestment project area and adopt a~~
1925 ~~community reinvestment project area plan that provides for the use of eminent domain to~~
1926 ~~acquire property within the community reinvestment project area, the agency shall create a~~
1927 ~~taxing entity committee as described in Section 17C-1-402 and receive tax increment in~~
1928 ~~accordance with Section 17C-5-203.]~~

1929 (2) Notwithstanding Subsection (1), an agency may receive tax increment in
1930 accordance with Section 17C-5-203 if the agency created a community reinvestment project
1931 area before May 14, 2019, that is subject to a taxing entity committee and provides for the use
1932 of eminent domain to acquire property within the community reinvestment project area.

1933 (3) An agency shall comply with [~~Chapter 5;~~] Part 3, Community Reinvestment Project

1934 Area Budget, regardless of whether an agency enters into an interlocal agreement under
1935 Subsection [~~(1) or creates a taxing entity committee~~] (1) or receives tax increment under
1936 Subsection (2).

1937 Section 34. Section 17C-5-203 is amended to read:

1938 **17C-5-203. Community reinvestment project area subject to taxing entity**
1939 **committee -- Tax increment.**

1940 (1) This section applies to a community reinvestment project area that an agency
1941 created before May 14, 2019, and that is subject to a taxing entity committee under Subsection
1942 17C-5-202(2).

1943 (2) Subject to the taxing entity committee's approval of a community reinvestment
1944 project area budget under Section 17C-5-304, and for the purpose of implementing a
1945 community reinvestment project area plan, an agency may receive up to 100% of a taxing
1946 entity's tax increment, or any specified dollar amount of tax increment, for any period of time.

1947 (3) Notwithstanding Subsection (2), an agency that adopts a community reinvestment
1948 project area plan that is subject to a taxing entity committee may negotiate and enter into an
1949 interlocal agreement with a taxing entity and receive all or a portion of the taxing entity's sales
1950 and use tax revenue for any period of time.

1951 Section 35. Section 17C-5-205 is amended to read:

1952 **17C-5-205. Interlocal agreement to provide project area funds for the community**
1953 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
1954 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
1955 **agreement.**

1956 (1) [~~The~~] An agency shall:

1957 (a) approve and adopt an interlocal agreement described in Section 17C-5-204 at an
1958 open and public meeting[-]; and

1959 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community
1960 Reinvestment Project Area."

1961 (2) (a) Upon the execution of an interlocal agreement described in Section 17C-5-204,

1962 the agency shall provide notice of the execution by:

1963 (i) (A) publishing or causing to be published a notice in a newspaper of general
1964 circulation within the agency's boundaries; or

1965 (B) if there is no newspaper of general circulation within the agency's boundaries,
1966 causing the notice to be posted in at least three public places within the agency's boundaries;
1967 and

1968 (ii) publishing or causing the notice to be published on the Utah Public Notice Website
1969 created in Section 63F-1-701.

1970 (b) A notice described in Subsection (2)(a) shall include:

1971 (i) a summary of the interlocal agreement; and

1972 (ii) a statement that the interlocal agreement:

1973 (A) is available for public inspection and the hours for inspection; and

1974 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or
1975 sales and use tax revenue.

1976 (3) An interlocal agreement described in Section 17C-5-204 is effective the day on
1977 which the notice described in Subsection (2) is published or posted in accordance with
1978 Subsection (2)(a).

1979 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a
1980 person may contest the interlocal agreement or the procedure used to adopt the interlocal
1981 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

1982 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
1983 contest:

1984 (i) the interlocal agreement;

1985 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

1986 (iii) the agency's use of project area funds under the interlocal agreement.

1987 (5) A taxing entity that enters into an interlocal agreement under Section 17C-5-204

1988 shall make a copy of the interlocal agreement available to the public at the taxing entity's office
1989 for inspection and copying during normal business hours.

1990 Section 36. Section 17C-5-401 is amended to read:

1991 **Part 4. Development Impediment Determination in a Community**
1992 **Reinvestment Project Area**

1993 **17C-5-401. Title.**

1994 This part is known as "[Blight] Development Impediment Determination in a
1995 Community Reinvestment Project Area."

1996 Section 37. Section 17C-5-402 is amended to read:

1997 **17C-5-402. Development impediment determination in a community**
1998 **reinvestment project area -- Prerequisites -- Restrictions.**

1999 (1) An agency shall comply with the provisions of this section before the agency may
2000 use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.

2001 (2) An agency shall, after adopting a survey area resolution as described in Section
2002 17C-5-103:

2003 (a) cause a [blight] development impediment study to be conducted within the survey
2004 area in accordance with Section 17C-5-403;

2005 (b) provide notice and hold a [blight] development impediment hearing in accordance
2006 with Chapter 1, Part 8, Hearing and Notice Requirements; and

2007 (c) after the [blight] development impediment hearing, at the same or at a subsequent
2008 meeting:

2009 (i) consider [the issue of blight and] the evidence and information relating to the
2010 existence or nonexistence of [blight] a development impediment; and

2011 (ii) by resolution, make a [finding] determination regarding whether [blight] a
2012 development impediment exists in all or part of the survey area.

2013 [~~(3) (a) If an agency makes a finding of blight under Subsection (2), the agency may~~
2014 ~~not adopt an original community reinvestment project area plan or an amendment to a~~
2015 ~~community reinvestment project area plan under Subsection 17C-5-112(4) until the taxing~~
2016 ~~entity committee approves the finding of blight.]~~

2017 [(b) (i) A taxing entity committee shall approve an agency's finding of blight unless the

2018 ~~taxing entity committee demonstrates that the conditions the agency found to exist in the~~
 2019 ~~survey area that support the agency's finding of blight:]~~
 2020 ~~[(A) do not exist, or]~~
 2021 ~~[(B) do not constitute blight under Section 17C-5-405.]~~
 2022 ~~[(ii) (A) If the taxing entity committee questions or disputes the existence of some or~~
 2023 ~~all of the blight conditions that the agency found to exist in the survey area, the taxing entity~~
 2024 ~~committee may hire a consultant, mutually agreed upon by the taxing entity committee and the~~
 2025 ~~agency, with the necessary expertise to assist the taxing entity committee in making a~~
 2026 ~~determination as to the existence of the questioned or disputed blight conditions:]~~
 2027 ~~[(B) The agency shall pay the fees and expenses of each consultant hired under~~
 2028 ~~Subsection (3)(b)(ii)(A):]~~
 2029 ~~[(C) The findings of a consultant hired under Subsection (3)(b)(ii)(A) are binding on~~
 2030 ~~the taxing entity committee and the agency.]~~

2031 Section 38. Section 17C-5-403 is amended to read:

2032 **17C-5-403. Development impediment study -- Requirements -- Deadline.**

2033 (1) ~~[A blight]~~ An agency shall ensure that a development impediment study ~~[shall]:~~

2034 (a) ~~[undertake]~~ undertakes a parcel by parcel survey of the survey area;

2035 (b) ~~[provide]~~ provides data so the board ~~[and taxing entity committee]~~ may determine:

2036 (i) whether the conditions described in Section 17C-5-405:

2037 (A) exist in part or all of the survey area; and

2038 (B) meet the qualifications for a ~~[finding of blight]~~ development impediment
 2039 determination in all or part of the survey area; and

2040 (ii) whether the survey area contains all or part of a superfund site;

2041 (c) ~~[include]~~ includes a written report that states:

2042 (i) the conclusions reached;

2043 (ii) any area within the survey area that meets the statutory criteria of ~~[blight]~~ a
 2044 development impediment under Section 17C-5-405; and

2045 (iii) any other information requested by the agency to determine whether ~~[blight]~~ a

2046 development impediment exists within the survey area; and

2047 (d) ~~be~~ is completed within one year after the day on which the survey area resolution
2048 is adopted.

2049 (2) (a) If a ~~blight~~ development impediment study is not completed within the time
2050 described in Subsection (1)(d), the agency may not approve a community reinvestment project
2051 area plan or an amendment to a community reinvestment project area plan under Subsection
2052 17C-5-112(4) based on a ~~blight~~ development impediment study unless the agency first adopts
2053 a new resolution under Subsection 17C-5-103(1).

2054 (b) A new resolution described in Subsection (2)(a) shall in all respects be considered
2055 to be a resolution under Subsection 17C-5-103(1) adopted for the first time, except that any
2056 actions taken toward completing a ~~blight~~ development impediment study under the resolution
2057 that the new resolution replaces shall be considered to have been taken under the new
2058 resolution.

2059 (3) (a) For the purpose of making a ~~blight~~ development impediment determination
2060 under Subsection 17C-5-402(2)(c)(ii), a ~~blight~~ development impediment study is valid for
2061 one year from the day on which the ~~blight~~ development impediment study is completed.

2062 (b) (i) Except as provided in Subsection (3)(b)(ii), an agency that makes a ~~blight~~
2063 development impediment determination under a valid ~~blight~~ development impediment study
2064 and subsequently adopts a community reinvestment project area plan in accordance with
2065 Section 17C-5-104 may amend the community reinvestment project area plan without
2066 conducting a new ~~blight~~ development impediment study.

2067 (ii) An agency shall conduct a supplemental ~~blight~~ development impediment study
2068 for the area proposed to be added to the community reinvestment project area if the agency
2069 proposes an amendment to a community reinvestment project area plan that:

2070 (A) increases the community reinvestment project area's geographic boundary and the
2071 area proposed to be added was not included in the original ~~blight~~ development impediment
2072 study; and

2073 (B) provides for the use of eminent domain within the area proposed to be added to the

2074 community reinvestment project area.

2075 Section 39. Section 17C-5-404 is amended to read:

2076 **17C-5-404. Development impediment hearing -- Owners may review evidence of**
2077 **a development impediment.**

2078 (1) In a hearing required under Subsection 17C-5-402(2)(b), an agency shall:

2079 (a) permit all evidence of the existence or nonexistence of ~~[blight]~~ a development
2080 impediment within the survey area to be presented; and

2081 (b) permit each record owner of property located within the survey area or the record
2082 property owner's representative the opportunity to:

2083 (i) examine and cross-examine each witness that provides evidence of the existence or
2084 nonexistence of ~~[blight]~~ a development impediment; and

2085 (ii) present evidence and testimony, including expert testimony, concerning the
2086 existence or nonexistence of ~~[blight]~~ a development impediment.

2087 (2) An agency shall allow each record owner of property located within a survey area
2088 the opportunity, for at least 30 days before the day on which the hearing takes place, to review
2089 the evidence of ~~[blight]~~ a development impediment compiled by the agency or by the person or
2090 firm conducting the ~~[blight]~~ development impediment study for the agency, including any
2091 expert report.

2092 Section 40. Section 17C-5-405 is amended to read:

2093 **17C-5-405. Conditions on a development impediment determination --**
2094 **Conditions of a development impediment caused by a participant.**

2095 (1) A board may not make a ~~[finding of blight]~~ development impediment determination
2096 in a resolution under Subsection 17C-5-402(2)(c)(ii) unless the board finds that:

2097 (a) (i) the survey area consists predominantly of nongreenfield parcels;

2098 (ii) the survey area is currently zoned for urban purposes and generally served by
2099 utilities;

2100 (iii) at least 50% of the parcels within the survey area contain nonagricultural or
2101 nonaccessory buildings or improvements used or intended for residential, commercial,

2102 industrial, or other urban purposes;

2103 (iv) the present condition or use of the survey area substantially impairs the sound
2104 growth of the community, delays the provision of housing accommodations, constitutes an
2105 economic liability, or is detrimental to the public health, safety, or welfare, as shown by the
2106 existence within the survey area of at least four of the following factors:

2107 (A) although sometimes interspersed with well maintained buildings and infrastructure,
2108 substantial physical dilapidation, deterioration, or defective construction of buildings or
2109 infrastructure, or significant noncompliance with current building code, safety code, health
2110 code, or fire code requirements or local ordinances;

2111 (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or
2112 welfare of the community;

2113 (C) environmental hazards, as defined in state or federal law, which require
2114 remediation as a condition for current or future use and development;

2115 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
2116 urban use and served by utilities;

2117 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
2118 welfare;

2119 (F) criminal activity in the survey area, higher than that of comparable [~~nonblighted~~]
2120 areas in the municipality or county that are without a development impediment; and

2121 (G) defective or unusual conditions of title rendering the title nonmarketable; and

2122 (v) (A) at least 50% of the privately owned parcels within the survey area are affected
2123 by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv);
2124 and

2125 (B) the affected parcels comprise at least 66% of the privately owned acreage within
2126 the survey area; or

2127 (b) the survey area includes some or all of:

2128 (i) a superfund site;

2129 (ii) a site used for the disposal of solid waste or hazardous waste, as those terms are

2130 defined in Section 19-6-102;

2131 (iii) an inactive industrial site; or

2132 (iv) an inactive airport site.

2133 (2) A single parcel comprising 10% or more of the acreage within the survey area may
 2134 not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at
 2135 least 50% of the area of the parcel is occupied by buildings or improvements.

2136 (3) (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a
 2137 participant or proposed participant involved in the project area development has caused a
 2138 condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used
 2139 in the determination of ~~[blight]~~ a development impediment.

2140 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
 2141 tenant who later becomes a participant.

2142 Section 41. Section 17C-5-406 is amended to read:

2143 **17C-5-406. Challenging a finding of development impediment determination --**
 2144 **Time limit -- Standards governing court review.**

2145 (1) If a board makes a ~~[finding of blight]~~ development impediment determination
 2146 under Subsection 17C-5-402(2)(c)(ii) ~~[and the finding is approved by resolution adopted by the~~
 2147 ~~taxing entity committee]~~, a record owner of property located within the survey area may
 2148 challenge the ~~[finding]~~ determination by filing an action in the district court in the county in
 2149 which the property is located no later than 30 days after the day on which the board makes the
 2150 determination.

2151 ~~[(2) A person shall file an action under Subsection (1) no later than 30 days after the~~
 2152 ~~day on which the taxing entity committee approves the board's finding of blight.]~~

2153 ~~[(3)]~~ (2) In an action under this section:

2154 (a) the agency shall transmit to the district court the record of the agency's proceedings,
 2155 including any minutes, findings, determinations, orders, or transcripts of the agency's
 2156 proceedings;

2157 (b) the district court shall review the ~~[finding of blight]~~ development impediment

2158 determination under the standards of review provided in Subsection 10-9a-801(3); and
2159 (c) (i) if there is a record:
2160 (A) the district court's review is limited to the record provided by the agency; and
2161 (B) the district court may not accept or consider any evidence outside the record of the
2162 agency, unless the evidence was offered to the agency and the district court determines that the
2163 agency improperly excluded the evidence; or
2164 (ii) if there is no record, the district court may call witnesses and take evidence.