

1 **COMMUNITY REINVESTMENT AGENCY CHANGES**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Susan Pulsipher

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to a community reinvestment agency's
10 determination of blight.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows a community reinvestment agency board to make a finding of blight if a
- 14 survey area includes a site used for the disposal of solid or hazardous waste; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **17C-5-405**, as enacted by Laws of Utah 2016, Chapter 350

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

25 Section 1. Section **17C-5-405** is amended to read:

26 **17C-5-405. Conditions on board determination of blight -- Conditions of blight**
27 **caused by a participant.**

28 (1) A board may not make a finding of blight in a resolution under Subsection
29 **17C-5-402(2)(c)(ii)** unless the board finds that:

- 30 (a) (i) the survey area consists predominantly of nongreenfield parcels;
- 31 (ii) the survey area is currently zoned for urban purposes and generally served by
- 32 utilities;
- 33 (iii) at least 50% of the parcels within the survey area contain nonagricultural or
- 34 nonaccessory buildings or improvements used or intended for residential, commercial,
- 35 industrial, or other urban purposes;
- 36 (iv) the present condition or use of the survey area substantially impairs the sound
- 37 growth of the community, delays the provision of housing accommodations, constitutes an
- 38 economic liability, or is detrimental to the public health, safety, or welfare, as shown by the
- 39 existence within the survey area of at least four of the following factors:
- 40 (A) although sometimes interspersed with well maintained buildings and infrastructure,
- 41 substantial physical dilapidation, deterioration, or defective construction of buildings or
- 42 infrastructure, or significant noncompliance with current building code, safety code, health
- 43 code, or fire code requirements or local ordinances;
- 44 (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or
- 45 welfare of the community;
- 46 (C) environmental hazards, as defined in state or federal law, which require
- 47 remediation as a condition for current or future use and development;
- 48 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
- 49 urban use and served by utilities;
- 50 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
- 51 welfare;
- 52 (F) criminal activity in the survey area, higher than that of comparable nonblighted
- 53 areas in the municipality or county; and
- 54 (G) defective or unusual conditions of title rendering the title nonmarketable; and
- 55 (v) (A) at least 50% of the privately owned parcels within the survey area are affected
- 56 by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv);
- 57 and

58 (B) the affected parcels comprise at least 66% of the privately owned acreage within
59 the survey area; or

60 (b) the survey area includes some or all of:

61 (i) a superfund site[;];

62 (ii) a site used for the disposal of solid waste or hazardous waste, as those terms are
63 defined in Section 19-6-102;

64 (iii) an inactive industrial site[;]; or

65 (iv) an inactive airport site.

66 (2) A single parcel comprising 10% or more of the acreage within the survey area may
67 not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at
68 least 50% of the area of the parcel is occupied by buildings or improvements.

69 (3) (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a
70 participant or proposed participant involved in the project area development has caused a
71 condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used
72 in the determination of blight.

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