

COMMUNITY REINVESTMENT AGENCY REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to community reinvestment agencies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ replaces the term "blight" with "development impediment";
- ▶ beginning on May 14, 2019, prohibits an agency from creating a taxing entity committee for a community reinvestment project area;
- ▶ requires an agency that allocates the agency's community reinvestment project area funds for housing to:
 - adopt a housing plan; or
 - implement the housing plan that the community that created the agency adopted;
- ▶ under certain circumstances, requires a limited purpose taxing entity to execute an interlocal agreement authorizing an agency to receive the limited purpose taxing entity's project area funds; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **10-8-2**, as last amended by Laws of Utah 2014, Chapter 59
- 31 **10-9a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 32 **11-58-601**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 33 **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 34 **17-50-303**, as last amended by Laws of Utah 2014, Chapter 66
- 35 **17C-1-102**, as last amended by Laws of Utah 2018, Chapter 364
- 36 **17C-1-207**, as last amended by Laws of Utah 2018, Chapters 364 and 366
- 37 **17C-1-402**, as last amended by Laws of Utah 2018, Chapter 364
- 38 **17C-1-407**, as last amended by Laws of Utah 2016, Chapter 350
- 39 **17C-1-409**, as last amended by Laws of Utah 2018, Chapter 312
- 40 **17C-1-411**, as last amended by Laws of Utah 2018, Chapter 312
- 41 **17C-1-412**, as last amended by Laws of Utah 2018, Chapter 312
- 42 **17C-1-802**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 43 **17C-1-803**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 44 **17C-1-804**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 45 **17C-1-805**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 46 **17C-1-807**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 47 **17C-1-902**, as last amended by Laws of Utah 2018, Chapter 364
- 48 **17C-2-101.5**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 49 **17C-2-102**, as last amended by Laws of Utah 2016, Chapter 350
- 50 **17C-2-103**, as last amended by Laws of Utah 2016, Chapter 350
- 51 **17C-2-106**, as last amended by Laws of Utah 2016, Chapter 350
- 52 **17C-2-110**, as last amended by Laws of Utah 2018, Chapter 364
- 53 **17C-2-202**, as last amended by Laws of Utah 2007, Chapter 364
- 54 **17C-2-204**, as last amended by Laws of Utah 2016, Chapter 350
- 55 **17C-2-301**, as last amended by Laws of Utah 2008, Chapter 125
- 56 **17C-2-302**, as last amended by Laws of Utah 2007, Chapter 364
- 57 **17C-2-303**, as last amended by Laws of Utah 2016, Chapter 350
- 58 **17C-2-304**, as last amended by Laws of Utah 2007, Chapter 364

- 59 **17C-5-103**, as last amended by Laws of Utah 2017, Chapter 456
- 60 **17C-5-104**, as last amended by Laws of Utah 2018, Chapter 364
- 61 **17C-5-105**, as last amended by Laws of Utah 2018, Chapter 364
- 62 **17C-5-108**, as last amended by Laws of Utah 2018, Chapter 364
- 63 **17C-5-112**, as last amended by Laws of Utah 2018, Chapter 364
- 64 **17C-5-202**, as last amended by Laws of Utah 2017, Chapter 456
- 65 **17C-5-203**, as last amended by Laws of Utah 2017, Chapter 456
- 66 **17C-5-204**, as enacted by Laws of Utah 2016, Chapter 350
- 67 **17C-5-401**, as enacted by Laws of Utah 2016, Chapter 350
- 68 **17C-5-402**, as last amended by Laws of Utah 2017, Chapter 456
- 69 **17C-5-403**, as last amended by Laws of Utah 2017, Chapter 456
- 70 **17C-5-404**, as enacted by Laws of Utah 2016, Chapter 350
- 71 **17C-5-405**, as last amended by Laws of Utah 2018, Chapter 422
- 72 **17C-5-406**, as enacted by Laws of Utah 2016, Chapter 350

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

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

76 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
 77 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

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

79 (i) appropriate money for corporate purposes only;

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

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

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

87 (v) subject to Subsection (2) and after first holding a public hearing, authorize
 88 municipal services or other nonmonetary assistance to be provided to or waive fees required to
 89 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

90 (b) A municipality may:

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

92 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
93 located and operating within and operated by the municipality; and

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

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

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

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

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

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

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

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

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

120 (c) The municipality may consider intangible benefits received by the municipality in

121 determining net value received.

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

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

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

131 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), at least 14 days
132 before the date of the hearing.

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

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

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

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

145 ~~[(†)]~~ (A) what identified benefit the municipality will receive in return for any money or
146 resources appropriated;

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

150 ~~[(†††)]~~ (C) whether the appropriation is necessary and appropriate to accomplish the
151 reasonable goals and objectives of the municipality in the area of economic development, job

152 creation, affordable housing, ~~[blight]~~ elimination of a development impediment, job
153 preservation, the preservation of historic structures and property, and any other public purpose.

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

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

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

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

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

165 (h) This section applies only to appropriations not otherwise approved pursuant to Title
166 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
167 Fiscal Procedures Act for Utah Cities.

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

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

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

173 (b) Each municipality shall, by ordinance, define what constitutes:

174 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

175 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

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

180 (i) the property is located:

181 (A) outside the boundaries of the municipality; and

182 (B) in a county of the first or second class; and

183 (ii) the intended use of the property is contrary to:
184 (A) the anticipated use of the property under the general plan of the county in whose
185 unincorporated area or the municipality in whose boundaries the property is located; or
186 (B) the property's current zoning designation.
187 (b) Each notice under Subsection (5)(a) shall:
188 (i) indicate that the municipality intends to acquire real property;
189 (ii) identify the real property; and
190 (iii) be sent to:
191 (A) each county in whose unincorporated area and each municipality in whose
192 boundaries the property is located; and
193 (B) each affected entity.
194 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
195 63G-2-305(8).
196 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
197 previously provided notice under Section 10-9a-203 identifying the general location within the
198 municipality or unincorporated part of the county where the property to be acquired is located.
199 (ii) If a municipality is not required to comply with the notice requirement of
200 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
201 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
202 property.
203 Section 2. Section **10-9a-403** is amended to read:
204 **10-9a-403. General plan preparation.**
205 (1) (a) The planning commission shall provide notice, as provided in Section
206 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a
207 general plan or a comprehensive general plan amendment when the planning commission
208 initiates the process of preparing its recommendation.
209 (b) The planning commission shall make and recommend to the legislative body a
210 proposed general plan for the area within the municipality.
211 (c) The plan may include areas outside the boundaries of the municipality if, in the
212 planning commission's judgment, those areas are related to the planning of the municipality's
213 territory.

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

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

221 (i) a land use element that:

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

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

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

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

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

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

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

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

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

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

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

249 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
250 income housing;

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

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

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

257 (G) consider utilization of affordable housing programs administered by the
258 Department of Workforce Services; and

259 (H) consider utilization of programs administered by an association of governments
260 established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

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

262 (i) identify and consider each agriculture protection area within the municipality; and

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

265 (3) The proposed general plan may include:

266 (a) an environmental element that addresses:

267 (i) the protection, conservation, development, and use of natural resources, including
268 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
269 and other natural resources; and

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

274 (b) a public services and facilities element showing general plans for sewage, water,
275 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,

276 police and fire protection, and other public services;

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

279 (i) historic preservation;

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

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

284 (d) an economic element composed of appropriate studies and forecasts, as well as an
285 economic development plan, which may include review of existing and projected municipal
286 revenue and expenditures, revenue sources, identification of basic and secondary industry,
287 primary and secondary market areas, employment, and retail sales activity;

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

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

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

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

295 **11-58-601. Port authority receipt and use of property tax differential --**

296 **Distribution of property tax differential.**

297 (1) (a) The authority may:

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

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

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

307 (c) The authority may not receive property tax differential from an area included within
308 a community reinvestment project area~~[, as defined in Section 17C-1-102,]~~ under a community
309 reinvestment project area plan, as defined in Section 17C-1-102, adopted before March 1,
310 2018, from a taxing entity that has, before March 1, 2018, entered into a fully executed, legally
311 binding agreement under which the taxing entity agrees to the use of its tax increment, as
312 defined in Section 17C-1-102, under the community reinvestment project area plan.

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

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

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

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

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

324 **17-27a-403. Plan preparation.**

325 (1) (a) The planning commission shall provide notice, as provided in Section
326 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
327 plan or a comprehensive general plan amendment when the planning commission initiates the
328 process of preparing its recommendation.

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

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

332 (ii) if the planning commission is a planning commission for a mountainous planning
333 district, the mountainous planning district.

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

337 (ii) Elements of the county plan that address incorporated areas are not an official plan

338 or part of a municipal plan for any municipality, unless it is recommended by the municipal
339 planning commission and adopted by the governing body of the municipality.

340 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
341 planning district, the plan for the mountainous planning district controls and precedes a
342 municipal plan, if any, to which the property would be subject.

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

346 (i) a land use element that:

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

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

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

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

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

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

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

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

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

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

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

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

377 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
378 income housing;

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

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

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

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

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

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

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

392 (3) The proposed general plan may include:

393 (a) an environmental element that addresses:

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

398 (ii) the reclamation of land, flood control, prevention and control of the pollution of
399 streams and other waters, regulation of the use of land on hillsides, stream channels and other

400 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
401 protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

407 (i) historic preservation;

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

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

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

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

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

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

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

423 **17-50-303. County may not give or lend credit -- County may borrow in**
424 **anticipation of revenues -- Assistance to nonprofit and private entities.**

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

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

430 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which

431 funds of the county may be expended.

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

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

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

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

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

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

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

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

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

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

452 (A) adopt by ordinance criteria to determine what value, if any, the county will receive
453 in return for money appropriated under this Subsection (4);

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

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

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

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

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

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

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

472 (ii) The county shall:

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

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

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

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

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

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

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

487 (iii) A court shall:

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

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

492 (iv) A determination of illegality requires a determination that the decision or

493 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the
494 ordinance was adopted.

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

496 (A) a review of the criteria adopted by the county legislative body under Subsection

497 (4)(d)(i)(A);

498 (B) the record created by the county legislative body at the public hearing described in

499 Subsection (4)(d)(i)(C); and

500 (C) the record created by the county in preparation of the study and the study itself as

501 described in Subsection (4)(e).

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

503 (h) This section applies only to an appropriation not otherwise approved in accordance

504 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

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

506 **17C-1-102. Definitions.**

507 As used in this title:

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

509 with Section [17C-1-702](#).

510 (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%,

511 that an agency is authorized to receive:

512 (a) for a pre-July 1, 1993, project area plan, under Section [17C-1-403](#), excluding tax

513 increment under Subsection [17C-1-403](#)(3);

514 (b) for a post-June 30, 1993, project area plan, under Section [17C-1-404](#), excluding tax

515 increment under Section [17C-1-406](#);

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

517 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's

518 tax increment.

519 (3) "Affordable housing" means housing owned or occupied by a low or moderate

520 income family, as determined by resolution of the agency.

521 (4) "Agency" or "community reinvestment agency" means a separate body corporate

522 and politic, created under Section [17C-1-201.5](#) or as a redevelopment agency or community

523 development and renewal agency under previous law:

- 524 (a) that is a political subdivision of the state;
- 525 (b) that is created to undertake or promote project area development as provided in this
- 526 title; and
- 527 (c) whose geographic boundaries are coterminous with:
 - 528 (i) for an agency created by a county, the unincorporated area of the county; and
 - 529 (ii) for an agency created by a municipality, the boundaries of the municipality.
- 530 (5) "Agency funds" means money that an agency collects or receives for agency
- 531 operations, implementing a project area plan, or other agency purposes, including:
 - 532 (a) project area funds;
 - 533 (b) income, proceeds, revenue, or property derived from or held in connection with the
 - 534 agency's undertaking and implementation of project area development; or
 - 535 (c) a contribution, loan, grant, or other financial assistance from any public or private
 - 536 source.
- 537 (6) "Annual income" means the same as that term is defined in regulations of the
- 538 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as
- 539 amended or as superseded by replacement regulations.
- 540 (7) "Assessment roll" means the same as that term is defined in Section [59-2-102](#).
- 541 (8) "Base taxable value" means, unless otherwise adjusted in accordance with
- 542 provisions of this title, a property's taxable value as shown upon the assessment roll last
- 543 equalized during the base year.
- 544 (9) "Base year" means, except as provided in Subsection [17C-1-402\(4\)\(c\)](#), the year
- 545 during which the assessment roll is last equalized:
 - 546 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,
 - 547 before the project area plan's effective date;
 - 548 (b) for a post-June 30, 1993, urban renewal or economic development project area
 - 549 plan, or a community reinvestment project area plan that is subject to a taxing entity
 - 550 committee:
 - 551 (i) before the date on which the taxing entity committee approves the project area
 - 552 budget; or
 - 553 (ii) if taxing entity committee approval is not required for the project area budget,
 - 554 before the date on which the community legislative body adopts the project area plan;

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

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

557 or

558 (ii) the date on which the airport that operated on the inactive airport site ceased

559 operations; or

560 (d) for a community development project area plan or a community reinvestment

561 project area plan that is subject to an interlocal agreement, as described in the interlocal

562 agreement.

563 (10) "Basic levy" means the portion of a school district's tax levy constituting the
564 minimum basic levy under Section 59-2-902.

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

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

570 ~~[(a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section~~
571 ~~17C-2-302; or]~~

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

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

576 ~~[(14)]~~ (11) "Board" means the governing body of an agency, as described in Section
577 17C-1-203.

578 ~~[(15)]~~ (12) "Budget hearing" means the public hearing on a proposed project area
579 budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget,
580 Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection
581 17C-5-302(2)(e) for a community reinvestment project area budget.

582 ~~[(16)]~~ (13) "Closed military base" means land within a former military base that the
583 Defense Base Closure and Realignment Commission has voted to close or realign when that
584 action has been sustained by the president of the United States and Congress.

585 ~~[(17)]~~ (14) "Combined incremental value" means the combined total of all incremental

586 values from all project areas, except project areas that contain some or all of a military
587 installation or inactive industrial site, within the agency's boundaries under project area plans
588 and project area budgets at the time that a project area budget for a new project area is being
589 considered.

590 ~~[(18)]~~ (15) "Community" means a county or municipality.

591 ~~[(19)]~~ (16) "Community development project area plan" means a project area plan
592 adopted under Chapter 4, Part 1, Community Development Project Area Plan.

593 ~~[(20)]~~ (17) "Community legislative body" means the legislative body of the community
594 that created the agency.

595 ~~[(21)]~~ (18) "Community reinvestment project area plan" means a project area plan
596 adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

597 ~~[(22)]~~ (19) "Contest" means to file a written complaint in the district court of the
598 county in which the agency is located.

599 (20) "Development impediment" means a condition of an area that meets the
600 requirements described in Section [17C-2-303](#) for an urban renewal project area or Section
601 [17C-5-405](#) for a community reinvestment project area.

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

604 (a) urban renewal project area under Subsection [17C-2-102\(1\)\(a\)\(i\)\(C\)](#) and Section
605 [17C-2-302](#); or

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

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

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

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

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

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

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

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

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

629 (28) "Housing allocation" means project area funds allocated for housing under Section
630 [17C-2-203](#), [17C-3-202](#), or [17C-5-307](#) for the purposes described in Section [17C-1-412](#).

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

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

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

636 (i) consists of at least 100 acres;

637 (ii) is occupied by an airport:

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

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

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

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

642 (iii) requires remediation because:

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

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

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

648 (31) (a) "Inactive industrial site" means land that:
649 (i) consists of at least 1,000 acres;
650 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
651 facility; and

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

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

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

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

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

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

- 666 (i) a fire station;
- 667 (ii) a police station;
- 668 (iii) a city hall; or
- 669 (iv) a court or other judicial building.

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

672 (36) "Marginal value" means the difference between actual taxable value and base
673 taxable value.

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

677 (38) "Municipality" means a city, town, or metro township as defined in Section
678 [10-2a-403](#).

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

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

683 (a) includes a description of:

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

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

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

687 and

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

689 (41) "Plan hearing" means the public hearing on a proposed project area plan required
690 under Subsection [17C-2-102\(1\)\(a\)\(vi\)](#) for an urban renewal project area plan, Subsection
691 [17C-3-102\(1\)\(d\)](#) for an economic development project area plan, Subsection [17C-4-102\(1\)\(d\)](#)
692 for a community development project area plan, or Subsection [17C-5-104\(3\)\(e\)](#) for a
693 community reinvestment project area plan.

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

697 (43) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July
698 1, 1993, whether or not amended subsequent to the project area plan's adoption.

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

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

704 (46) "Project area budget" means a multiyear projection of annual or cumulative
705 revenues and expenses and other fiscal matters pertaining to a project area prepared in
706 accordance with:

707 (a) for an urban renewal project area, Section [~~17C-2-202~~] [17C-2-201](#);

708 (b) for an economic development project area, Section [~~17C-3-202~~] [17C-3-201](#);

709 (c) for a community development project area, Section [17C-4-204](#); or

- 710 (d) for a community reinvestment project area, Section 17C-5-302.
- 711 (47) "Project area development" means activity within a project area that, as
- 712 determined by the board, encourages, promotes, or provides development or redevelopment for
- 713 the purpose of implementing a project area plan, including:
- 714 (a) promoting, creating, or retaining public or private jobs within the state or a
- 715 community;
- 716 (b) providing office, manufacturing, warehousing, distribution, parking, or other
- 717 facilities or improvements;
- 718 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
- 719 remediating environmental issues;
- 720 (d) providing residential, commercial, industrial, public, or other structures or spaces,
- 721 including recreational and other facilities incidental or appurtenant to the structures or spaces;
- 722 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
- 723 existing structures;
- 724 (f) providing open space, including streets or other public grounds or space around
- 725 buildings;
- 726 (g) providing public or private buildings, infrastructure, structures, or improvements;
- 727 (h) relocating a business;
- 728 (i) improving public or private recreation areas or other public grounds;
- 729 (j) eliminating ~~[blight]~~ a development impediment or the causes of ~~[blight]~~ a
- 730 development impediment;
- 731 (k) redevelopment as defined under the law in effect before May 1, 2006; or
- 732 (l) any activity described in this Subsection (47) outside of a project area that the board
- 733 determines to be a benefit to the project area.
- 734 (48) "Project area funds" means tax increment or sales and use tax revenue that an
- 735 agency receives under a project area budget adopted by a taxing entity committee or an
- 736 interlocal agreement.
- 737 (49) "Project area funds collection period" means the period of time that:
- 738 (a) begins the day on which the first 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; and

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

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

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

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

752 (52) "Public entity" means:

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

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

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

758 (53) "Publicly owned infrastructure and improvements" means water, sewer, storm
759 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,
760 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or
761 other facilities, infrastructure, and improvements benefitting the public and to be publicly
762 owned or publicly maintained or operated.

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

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

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

768 and

769 (b) distributed to a taxing entity in accordance with Sections [59-12-204](#) and [59-12-205](#).

770 (56) "Superfund site":

771 (a) means an area included in the National Priorities List under the Comprehensive

772 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

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

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

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

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

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

782 (59) "Taxable value" means:

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

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

787 (c) the year end taxable value of all personal property a county assessor assesses in
788 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's
789 tax rolls of the taxing entity.

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

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

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

796 (b) "Tax increment" does not include taxes levied and collected under Section
797 [59-2-1602](#) on or after January 1, 1994, upon the taxable property in the project area unless:

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

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

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

- 803 (a) levies a tax on property located within a project area; or
- 804 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.
- 805 (62) "Taxing entity committee" means a committee representing the interests of taxing
- 806 entities, created in accordance with Section 17C-1-402.
- 807 (63) "Unincorporated" means not within a municipality.
- 808 (64) "Urban renewal project area plan" means a project area plan adopted under
- 809 Chapter 2, Part 1, Urban Renewal Project Area Plan.
- 810 Section 7. Section 17C-1-207 is amended to read:
- 811 **17C-1-207. Public entities may assist with project area development.**
- 812 (1) In order to assist and cooperate in the planning, undertaking, construction, or
- 813 operation of project area development within an area in which the public entity is authorized to
- 814 act, a public entity may:
 - 815 (a) (i) provide or cause to be furnished:
 - 816 (A) parks, playgrounds, or other recreational facilities;
 - 817 (B) community, educational, water, sewer, or drainage facilities; or
 - 818 (C) any other works which the public entity is otherwise empowered to undertake;
 - 819 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
 - 820 replan streets, roads, roadways, alleys, sidewalks, or other places;
 - 821 (iii) in any part of the project area:
 - 822 (A) (I) plan or replan any property within the project area;
 - 823 (II) plat or replat any property within the project area;
 - 824 (III) vacate a plat;
 - 825 (IV) amend a plat; or
 - 826 (V) zone or rezone any property within the project area; and
 - 827 (B) make any legal exceptions from building regulations and ordinances;
 - 828 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
 - 829 rights of any holder of the bonds;
 - 830 (v) notwithstanding any law to the contrary, enter into an agreement for a period of
 - 831 time with another public entity concerning action to be taken pursuant to any of the powers
 - 832 granted in this title;
 - 833 (vi) do anything necessary to aid or cooperate in the planning or implementation of the

834 project area development;

835 (vii) in connection with the project area plan, become obligated to the extent

836 authorized and funds have been made available to make required improvements or construct

837 required structures; and

838 (viii) lend, grant, or contribute funds to an agency for project area development or

839 proposed project area development, including assigning revenue or taxes in support of an

840 agency bond or obligation; and

841 (b) for less than fair market value or for no consideration, and subject to Subsection

842 (3):

843 (i) purchase or otherwise acquire property from an agency;

844 (ii) lease property from an agency;

845 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to

846 an agency; or

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

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

849 17-50-303:

850 (a) project area development assistance that a public entity provides under this section;

851 or

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

853 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner

854 than 15 days after the day on which the public entity posts notice of the assistance on:

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

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

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

858 **17C-1-402. Taxing entity committee.**

859 (1) The provisions of this section apply to a taxing entity committee that is created by

860 an agency for:

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

862 project area plan;

863 (b) any other project area plan adopted before May 10, 2016, for which the agency

864 created a taxing entity committee; and

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

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

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

869 (2)(a)(ii);

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

872 (II) in a county of the first class, one representative appointed by the county executive
873 and one representative appointed by the legislative body of the county in which the agency is
874 located;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

909 (b) if the taxing entity committee considers it appropriate, governs the use of electronic
910 meetings under Section [52-4-207](#).

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

912 (i) an urban renewal project area plan;

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

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

916 (b) A taxing entity committee may:

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

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

919 (iii) approve or disapprove:

920 (A) an urban renewal project area budget as described in Section [17C-2-204](#);

921 (B) an economic development project area budget as described in Section [17C-3-203](#);

922 or

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

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

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

929 (vi) approve:

930 (A) an exception to the percentage of tax increment to be paid to the agency;

931 (B) except for a project area funds collection period that is approved by an interlocal
 932 agreement, each project area funds collection period; and

933 (C) an exception to the requirement for an urban renewal project area budget, an
 934 economic development project area budget, or a community reinvestment project area budget
 935 to include a maximum cumulative dollar amount of tax increment that the agency may receive;

936 (vii) approve the use of tax increment for publicly owned infrastructure and
 937 improvements outside of a project area that the agency and community legislative body
 938 determine to be of benefit to the project area, as described in Subsection

939 [17C-1-409\(1\)\(a\)\(iii\)\(D\)](#);

940 (viii) waive the restrictions described in Subsection [17C-2-202\(1\)](#);

941 (ix) subject to Subsection (4)(c), designate the base taxable value for a project area
 942 budget; and

943 (x) give other taxing entity committee approval or consent required or allowed under
 944 this title.

945 (c) (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that
 946 is earlier than five years before the beginning of a project area funds collection period.

947 (ii) The taxing entity committee may approve a base year that is earlier than the year
 948 described in Subsection (4)(c)(i).

949 (5) A quorum of a taxing entity committee consists of:

950 (a) if the project area is located within a municipality, five members; or

951 (b) if the project area is not located within a municipality, four members.

952 (6) Taxing entity committee approval, consent, or other action requires:

953 (a) the affirmative vote of a majority of all members present at a taxing entity
 954 committee meeting:

955 (i) at which a quorum is present; and

956 (ii) considering an action relating to a project area budget for, or approval of a [~~finding~~
 957 ~~of blight~~] development impediment determination within, a project area or proposed project

958 area that contains:

959 (A) an inactive industrial site;

960 (B) an inactive airport site; or

961 (C) a closed military base; or

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

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

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

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

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

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

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

974 (C) the analysis required under Subsection 17C-2-103(2), 17C-3-103(2), or
975 17C-5-105(12);

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

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

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

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

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

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

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

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

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

996 (a) considered the records of the agency that created the taxing entity committee; and

997 (b) maintained by the agency in accordance with Section [17C-1-209](#).

998 (11) Each time a school district representative or a representative of the State Board of
999 Education votes as a member of a taxing entity committee to allow an agency to receive tax
1000 increment, to increase the amount of tax increment the agency receives, or to extend a project
1001 area funds collection period, that representative shall, within 45 days after the vote, provide to
1002 the representative's respective school board an explanation in writing of the representative's
1003 vote and the reasons for the vote.

1004 (12) (a) The auditor of each county in which an agency is located shall provide a
1005 written report to the taxing entity committee stating, with respect to property within each
1006 project area:

1007 (i) the base taxable value, as adjusted by any adjustments under Section [17C-1-408](#);
1008 and

1009 (ii) the assessed value.

1010 (b) With respect to the information required under Subsection (12)(a), the auditor shall
1011 provide:

1012 (i) actual amounts for each year from the adoption of the project area plan to the time
1013 of the report; and

1014 (ii) estimated amounts for each year beginning the year after the time of the report and
1015 ending the time that each project area funds collection period ends.

1016 (c) The auditor of the county in which the agency is located shall provide a report
1017 under this Subsection (12):

1018 (i) at least annually; and

1019 (ii) upon request of the taxing entity committee, before a taxing entity committee

1020 meeting at which the committee considers whether to allow the agency to receive tax
1021 increment, to increase the amount of tax increment that the agency receives, or to extend a
1022 project area funds collection period.

1023 (13) This section does not apply to:

1024 (a) a community development project area plan; or

1025 (b) a community reinvestment project area plan that is subject to an interlocal
1026 agreement.

1027 (14) (a) A taxing entity committee resolution approving a [~~blight finding~~] development
1028 impediment determination, approving a project area budget, or approving an amendment to a
1029 project area budget:

1030 (i) is final; and

1031 (ii) is not subject to repeal, amendment, or reconsideration unless the agency first
1032 consents by resolution to the proposed repeal, amendment, or reconsideration.

1033 (b) The provisions of Subsection (14)(a) apply regardless of when the resolution is
1034 adopted.

1035 Section 9. Section **17C-1-407** is amended to read:

1036 **17C-1-407. Limitations on tax increment.**

1037 (1) (a) If the development of retail sales of goods is the primary objective of an urban
1038 renewal project area, tax increment from the urban renewal project area may not be paid to or
1039 used by an agency unless the agency makes a [~~finding of blight is made~~] development
1040 impediment determination under Chapter 2, Part 3, [~~Blight~~] Development Impediment
1041 Determination in Urban Renewal Project Areas.

1042 (b) Development of retail sales of goods does not disqualify an agency from receiving
1043 tax increment.

1044 (c) After July 1, 2005, an agency may not receive or use tax increment generated from
1045 the value of property within an economic development project area that is attributable to the
1046 development of retail sales of goods, unless the tax increment was previously pledged to pay
1047 for bonds or other contractual obligations of the agency.

1048 (2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from
1049 an increase in the taxing entity's tax rate that occurs after the taxing entity committee approves
1050 the project area budget unless, at the time the taxing entity committee approves the project area

1051 budget, the taxing entity committee approves payment of those increased taxes to the agency.

1052 (b) If the taxing entity committee does not approve payment of the increased taxes to
1053 the agency under Subsection (2)(a), the county shall distribute to the taxing entity the taxes
1054 attributable to the tax rate increase in the same manner as other property taxes.

1055 (c) Notwithstanding any other provision of this section, if, before tax year 2013,
1056 increased taxes are paid to an agency without the approval of the taxing entity committee, and
1057 notwithstanding the law at the time that the tax was collected or increased:

1058 (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity,
1059 or any other person or entity may not recover, directly or indirectly, the increased taxes from
1060 the agency by adjustment of a tax rate used to calculate tax increment or otherwise;

1061 (ii) the county is not liable to a taxing entity or any other person or entity for the
1062 increased taxes that were paid to the agency; and

1063 (iii) tax increment, including the increased taxes, shall continue to be paid to the
1064 agency subject to the same number of tax years, percentage of tax increment, and cumulative
1065 dollar amount of tax increment as approved in the project area budget and previously paid to
1066 the agency.

1067 (3) Except as the taxing entity committee otherwise agrees, an agency may not receive
1068 tax increment under an urban renewal or economic development project area budget adopted
1069 on or after March 30, 2009:

1070 (a) that exceeds the percentage of tax increment or cumulative dollar amount of tax
1071 increment specified in the project area budget; or

1072 (b) for more tax years than specified in the project area budget.

1073 Section 10. Section **17C-1-409** is amended to read:

1074 **17C-1-409. Allowable uses of agency funds.**

1075 (1) (a) An agency may use agency funds:

1076 (i) for any purpose authorized under this title;

1077 (ii) for administrative, overhead, legal, or other operating expenses of the agency,
1078 including consultant fees and expenses under Subsection **17C-2-102(1)(b)(ii)(B)** or funding for
1079 a business resource center;

1080 (iii) to pay for, including financing or refinancing, all or part of:

1081 (A) project area development in a project area, including environmental remediation

1082 activities occurring before or after adoption of the project area plan;

1083 (B) housing-related expenditures, projects, or programs as described in Section
1084 17C-1-411 or 17C-1-412;

1085 (C) an incentive or other consideration paid to a participant under a participation
1086 agreement;

1087 (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the
1088 installation and construction of any publicly owned building, facility, structure, landscaping, or
1089 other improvement within the project area from which the project area funds are collected; or

1090 (E) the cost of the installation of publicly owned infrastructure and improvements
1091 outside the project area from which the project area funds are collected if the board and the
1092 community legislative body determine by resolution that the publicly owned infrastructure and
1093 improvements benefit the project area;

1094 (iv) in an urban renewal project area that includes some or all of an inactive industrial
1095 site and subject to Subsection (1)(e), to reimburse the Department of Transportation created
1096 under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8,
1097 Public Transit District Act, for the cost of:

1098 (A) construction of a public road, bridge, or overpass;

1099 (B) relocation of a railroad track within the urban renewal project area; or

1100 (C) relocation of a railroad facility within the urban renewal project area; or

1101 (v) subject to Subsection (5), to transfer funds to a community that created the agency.

1102 (b) The determination of the board and the community legislative body under
1103 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

1104 (c) An agency may not use project area funds received from a taxing entity for the
1105 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an
1106 economic development project area plan, or a community reinvestment project area plan
1107 without the community legislative body's consent.

1108 (d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a
1109 project area fund to another project area fund if:

1110 (A) the board approves; and

1111 (B) the community legislative body approves.

1112 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the

1113 projections for agency funds are sufficient to repay the loan amount.

1114 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,
1115 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal
1116 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for
1117 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

1118 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection
1119 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the
1120 reimbursement with:

1121 (i) the Department of Transportation; or
1122 (ii) a public transit district.

1123 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not
1124 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use
1125 Tax Incentive Payments Act.

1126 (b) An agency may use sales and use tax revenue that the agency receives under an
1127 interlocal agreement under Section [17C-4-201](#) or [17C-5-204](#) for the uses authorized in the
1128 interlocal agreement.

1129 (3) (a) An agency may contract with the community that created the agency or another
1130 public entity to use agency funds to reimburse the cost of items authorized by this title to be
1131 paid by the agency that are paid by the community or other public entity.

1132 (b) If land is acquired or the cost of an improvement is paid by another public entity
1133 and the land or improvement is leased to the community, an agency may contract with and
1134 make reimbursement from agency funds to the community.

1135 (4) Notwithstanding any other provision of this title, an agency may not use project
1136 area funds to construct a local government building unless the taxing entity committee or each
1137 taxing entity party to an interlocal agreement with the agency consents.

1138 (5) For the purpose of offsetting the community's annual local contribution to the
1139 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in
1140 a calendar year to a community under Subsections (1)(a)(v), [17C-1-411\(1\)\(d\)](#), and [17C-1-412](#)
1141 ~~(3)~~ (3)(a)(x) may not exceed the community's annual local contribution as defined in Section
1142 [35A-8-606](#).

1143 Section 11. Section [17C-1-411](#) is amended to read:

1144 **17C-1-411. Use of project area funds for housing-related improvements and for**
1145 **relocating mobile home park residents -- Funds to be held in separate accounts.**

1146 (1) An agency may use project area funds:

1147 (a) to pay all or part of the value of the land for and the cost of installation,
1148 construction, or rehabilitation of any housing-related building, facility, structure, or other
1149 housing improvement, including infrastructure improvements related to housing, located in any
1150 project area within the agency's boundaries;

1151 (b) outside of a project area for the purpose of:

1152 (i) replacing housing units lost by project area development; or

1153 (ii) increasing, improving, or preserving the affordable housing supply within the
1154 boundary of the agency;

1155 (c) for relocating mobile home park residents displaced by project area development,
1156 whether inside or outside a project area; or

1157 (d) subject to Subsection (4), to transfer funds to a community that created the agency.

1158 (2) (a) Each agency shall create a housing fund and separately account for project area
1159 funds allocated under this section.

1160 (b) Interest earned by the housing fund described in Subsection (2)(a), and any
1161 payments or repayments made to the agency for loans, advances, or grants of any kind from the
1162 housing fund, shall accrue to the housing fund.

1163 (c) An agency that designates a housing fund under this section shall use the housing
1164 fund for the purposes set forth in this section or Section [17C-1-412](#).

1165 (3) An agency may lend, grant, or contribute funds from the housing fund to a person,
1166 public entity, housing authority, private entity or business, or nonprofit corporation for
1167 affordable housing or homeless assistance.

1168 (4) For the purpose of offsetting the community's annual local contribution to the
1169 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in
1170 a calendar year to a community under Subsections (1)(d), [17C-1-409\(1\)\(a\)\(v\)](#), and [17C-1-412](#)
1171 ~~[(+)]~~ [\(3\)\(a\)\(x\)](#) may not exceed the community's annual local contribution as defined in Section
1172 [35A-8-606](#).

1173 Section 12. Section **17C-1-412** is amended to read:

1174 **17C-1-412. Use of housing allocation -- Separate accounting required -- Issuance**

1175 **of bonds for housing -- Action to compel agency to provide housing allocation.**

1176 (1) This section applies to an agency that allocates urban renewal project area funds
 1177 under Section [17C-2-203](#) or community reinvestment project area funds under Section
 1178 [17C-5-307](#).

1179 (2) (a) Except as provided in Subsection (2)(b), before using all or a portion of an
 1180 agency's housing allocation, the agency shall adopt a housing plan that shows how the agency
 1181 will use the agency's housing allocation to accomplish the purposes described in this section.

1182 (b) An agency is not required to adopt a housing plan under Subsection (2)(a) if the
 1183 agency is implementing the moderate income housing element of the general plan that the
 1184 community that created the agency adopted in accordance with Section [10-9a-403](#) or
 1185 [17-27a-403](#).

1186 ~~[(+)]~~ (3) (a) An agency shall use the agency's housing allocation~~[-if applicable,]~~ to:

1187 (i) pay part or all of the cost of land or construction of income targeted housing within
 1188 the boundary of the agency, if practicable in a mixed income development or area;

1189 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the
 1190 boundary of the agency;

1191 (iii) lend, grant, or contribute money to a person, public entity, housing authority,
 1192 private entity or business, or nonprofit corporation for income targeted housing within the
 1193 boundary of the agency;

1194 (iv) plan or otherwise promote income targeted housing within the boundary of the
 1195 agency;

1196 (v) pay part or all of the cost of land or installation, construction, or rehabilitation of
 1197 any building, facility, structure, or other housing improvement, including infrastructure
 1198 improvements, related to housing located in a project area where ~~[blight has been found to~~
 1199 ~~exist]~~ a board has determined that a development impediment exists;

1200 (vi) replace housing units lost as a result of the project area development;

1201 (vii) make payments on or establish a reserve fund for bonds:

1202 (A) issued by the agency, the community, or the housing authority that provides
 1203 income targeted housing within the community; and

1204 (B) all or part of the proceeds of which are used within the community for the purposes
 1205 stated in Subsection ~~[(+)]~~ (3)(a)(i), (ii), (iii), (iv), (v), or (vi);

1206 (viii) if the community's fair share ratio at the time of the first adoption of the project
1207 area budget is at least 1.1 to 1.0, make payments on bonds:

1208 (A) that were previously issued by the agency, the community, or the housing authority
1209 that provides income targeted housing within the community; and

1210 (B) all or part of the proceeds of which were used within the community for the
1211 purposes stated in Subsection ~~[(1)]~~ (3)(a)(i), (ii), (iii), (iv), (v), or (vi);

1212 (ix) relocate mobile home park residents displaced by project area development; or

1213 (x) subject to Subsection ~~[(6)]~~ (8), transfer funds to a community that created the
1214 agency.

1215 (b) As an alternative to the requirements of Subsection ~~[(1)]~~ (3)(a), an agency may pay
1216 all or any portion of the agency's housing allocation to:

1217 (i) the community for use as described in Subsection ~~[(1)]~~ (3)(a);

1218 (ii) a housing authority that provides income targeted housing within the community
1219 for use in providing income targeted housing within the community;

1220 (iii) a housing authority established by the county in which the agency is located for
1221 providing:

1222 (A) income targeted housing within the county;

1223 (B) permanent housing, permanent supportive housing, or a transitional facility, as
1224 defined in Section 35A-5-302, within the county; or

1225 (C) homeless assistance within the county; or

1226 (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8,
1227 Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing within
1228 the community.

1229 ~~[(2)]~~ (4) The agency shall create a housing fund and separately account for the agency's
1230 housing allocation, together with all interest earned by the housing allocation and all payments
1231 or repayments for loans, advances, or grants from the housing allocation.

1232 ~~[(3)]~~ (5) An agency may:

1233 (a) issue bonds to finance a housing-related project under this section, including the
1234 payment of principal and interest upon advances for surveys and plans or preliminary loans;
1235 and

1236 (b) issue refunding bonds for the payment or retirement of bonds under Subsection

1237 [(3)] (5)(a) previously issued by the agency.

1238 [(4)] (6) (a) Except as provided in Subsection [(4)] (6)(b), an agency shall allocate
1239 money to the housing fund each year in which the agency receives sufficient tax increment to
1240 make a housing allocation required by the project area budget.

1241 (b) Subsection [(4)] (6)(a) does not apply in a year in which tax increment is
1242 insufficient.

1243 [(5)] (7) (a) Except as provided in Subsection [(4)] (6)(b), if an agency fails to provide
1244 a housing allocation in accordance with the project area budget and[, if applicable,] the housing
1245 plan adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to
1246 compel the agency to provide the housing allocation.

1247 (b) In an action under Subsection [(5)] (7)(a), the court:

1248 (i) shall award the loan fund board reasonable attorney fees, unless the court finds that
1249 the action was frivolous; and

1250 (ii) may not award the agency the agency's attorney fees, unless the court finds that the
1251 action was frivolous.

1252 [(6)] (8) For the purpose of offsetting the community's annual local contribution to the
1253 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in
1254 a calendar year to a community under Subsections [(1)] (3)(a)(x), 17C-1-409(1)(a)(v), and
1255 17C-1-411(1)(d) may not exceed the community's annual local contribution as defined in
1256 Section 35A-8-606.

1257 Section 13. Section 17C-1-802 is amended to read:

1258 **17C-1-802. Combining hearings.**

1259 A board may combine any combination of a [blight] development impediment hearing,
1260 a plan hearing, and a budget hearing.

1261 Section 14. Section 17C-1-803 is amended to read:

1262 **17C-1-803. Continuing a hearing.**

1263 Subject to Section 17C-1-804, the board may continue:

1264 (1) a [blight] development impediment hearing;

1265 (2) a plan hearing;

1266 (3) a budget hearing; or

1267 (4) a combined hearing under Section 17C-1-802.

1268 Section 15. Section **17C-1-804** is amended to read:

1269 **17C-1-804. Notice required for continued hearing.**

1270 The board shall give notice of a hearing continued under Section [~~17C-1-802~~]

1271 17C-1-803 by announcing at the hearing:

1272 (1) the date, time, and place the hearing will be resumed; or

1273 (2) (a) that the hearing is being continued to a later time; and

1274 (b) that the board will cause a notice of the continued hearing to be published on the

1275 Utah Public Notice Website created in Section 63F-1-701, at least seven days before the day on

1276 which the hearing is scheduled to resume.

1277 Section 16. Section **17C-1-805** is amended to read:

1278 **17C-1-805. Agency to provide notice of hearings.**

1279 (1) Each agency shall provide notice, in accordance with this part, of each:

1280 (a) [~~blight~~] development impediment hearing;

1281 (b) plan hearing; or

1282 (c) budget hearing.

1283 (2) The notice required under Subsection (1) may be combined with the notice required

1284 for any of the other hearings if the hearings are combined under Section 17C-1-802.

1285 Section 17. Section **17C-1-807** is amended to read:

1286 **17C-1-807. Additional requirements for notice of a development impediment**
1287 **hearing.**

1288 Each notice under Section 17C-1-806 for a [~~blight~~] development impediment hearing
1289 shall also include:

1290 (1) a statement that:

1291 (a) a project area is being proposed;

1292 (b) the proposed project area may be [~~declared~~] determined to have [~~blight~~] a
1293 development impediment;

1294 (c) the record owner of property within the proposed project area has the right to
1295 present evidence at the [~~blight~~] development impediment hearing contesting the existence of
1296 [~~blight~~] a development impediment;

1297 (d) except for a hearing continued under Section 17C-1-803, the agency will notify the
1298 record owner of property referred to in Subsection 17C-1-806(1)(b)(i) of each additional public

1299 hearing held by the agency concerning the proposed project area before the adoption of the
1300 project area plan; and

1301 (e) a person contesting the existence of ~~[blight]~~ a development impediment in the
1302 proposed project area may appear before the board and show cause why the proposed project
1303 area should not be designated as a project area; and

1304 (2) if the agency anticipates acquiring property in an urban renewal project area or a
1305 community reinvestment project area by eminent domain, a clear and plain statement that:

1306 (a) the project area plan may require the agency to use eminent domain; and

1307 (b) the proposed use of eminent domain will be discussed at the ~~[blight]~~ development
1308 impediment hearing.

1309 Section 18. Section **17C-1-902** is amended to read:

1310 **17C-1-902. Use of eminent domain -- Conditions.**

1311 (1) Except as provided in Subsection (2), an agency may not use eminent domain to
1312 acquire property.

1313 (2) Subject to the provisions of this part, an agency may, in accordance with Title 78B,
1314 Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in property:

1315 (a) within an urban renewal project area if:

1316 (i) the board makes a ~~[finding of blight]~~ development impediment determination under
1317 Chapter 2, Part 3, ~~[Blight]~~ Development Impediment Determination in Urban Renewal Project
1318 Areas; and

1319 (ii) the urban renewal project area plan provides for the use of eminent domain;

1320 (b) that is owned by an agency board member or officer and located within a project
1321 area, if the board member or officer consents;

1322 (c) within a community reinvestment project area if:

1323 (i) the board makes a ~~[finding of blight in accordance with]~~ development impediment
1324 determination under Chapter 5, Part 4, ~~[Blight]~~ Development Impediment Determination in a
1325 Community Reinvestment Project Area;

1326 (ii) (A) the original community reinvestment project area plan provides for the use of
1327 eminent domain; or

1328 (B) the community reinvestment project area plan is amended in accordance with
1329 Subsection **17C-5-112(4)**; and

1330 (iii) the agency creates a taxing entity committee in accordance with Section
1331 17C-1-402;

1332 (d) that:

1333 (i) is owned by a participant or a property owner that is entitled to receive tax
1334 increment or other assistance from the agency;

1335 (ii) is within a project area, regardless of when the project area is created, for which the
1336 [~~agency made a finding of blight under Section 17C-2-102 or 17C-5-405~~] board made a
1337 development impediment determination under Chapter 2, Part 3, Development Impediment
1338 Determination in Urban Renewal Project Areas, or Chapter 5, Part 4, Development Impediment
1339 Determination in a Community Reinvestment Project Area; and

1340 (iii) (A) the participant or property owner described in Subsection (2)(d)(i) fails to
1341 develop or improve in accordance with the participation agreement or the project area plan; or
1342 (B) for a period of 36 months does not generate the amount of tax increment that the
1343 agency projected to receive under the project area budget; or

1344 (e) if a property owner requests in writing that the agency exercise eminent domain to
1345 acquire the property owner's property within a project area.

1346 (3) An agency shall, in accordance with the provisions of this part, commence the
1347 acquisition of property described in Subsections (2)(a) through (c) by adopting a resolution
1348 authorizing eminent domain within five years after the day on which the project area plan is
1349 effective.

1350 Section 19. Section 17C-2-101.5 is amended to read:

1351 **17C-2-101.5. Resolution designating survey area -- Request to adopt resolution.**

1352 (1) A board may begin the process of adopting an urban renewal project area plan by
1353 adopting a resolution that:

1354 (a) designates an area located within the agency's boundaries as a survey area;

1355 (b) contains a statement that the survey area requires study to determine whether:

1356 (i) one or more urban renewal project areas within the survey area are feasible; and

1357 (ii) [~~blight~~] a development impediment exists within the survey area; and

1358 (c) contains a boundary description or map of the survey area.

1359 (2) (a) Any person or any group, association, corporation, or other entity may submit a
1360 written request to the board to adopt a resolution under Subsection (1).

1361 (b) A request under Subsection (2)(a) may include plans showing the project area
1362 development proposed for an area within the agency's boundaries.

1363 (c) The board may, in the board's sole discretion, grant or deny a request under
1364 Subsection (2)(a).

1365 Section 20. Section **17C-2-102** is amended to read:

1366 **17C-2-102. Process for adopting urban renewal project area plan -- Prerequisites**
1367 **-- Restrictions.**

1368 (1) (a) In order to adopt an urban renewal project area plan, after adopting a resolution
1369 under Subsection **17C-2-101.5**(1) the agency shall:

1370 (i) unless a [~~finding of blight~~] development impediment determination is based on a
1371 [~~finding~~] determination made under Subsection **17C-2-303**(1)(b) relating to an inactive
1372 industrial site or inactive airport site:

1373 (A) cause a [~~blight~~] development impediment study to be conducted within the survey
1374 area as provided in Section **17C-2-301**;

1375 (B) provide notice of a [~~blight~~] development impediment hearing as required under
1376 Chapter 1, Part 8, Hearing and Notice Requirements; and

1377 (C) hold a [~~blight~~] development impediment hearing as described in Section
1378 **17C-2-302**;

1379 (ii) after the [~~blight~~] development impediment hearing has been held or, if no [~~blight~~]
1380 development impediment hearing is required under Subsection (1)(a)(i), after adopting a
1381 resolution under Subsection **17C-2-101.5**(1), hold a board meeting at which the board shall:

1382 (A) consider:

1383 (I) [~~the issue of blight and~~] the evidence and information relating to the existence or
1384 nonexistence of [~~blight~~] a development impediment; and

1385 (II) whether adoption of one or more urban renewal project area plans should be
1386 pursued; and

1387 (B) by resolution:

1388 (I) make a [~~finding~~] determination regarding the existence of [~~blight~~] a development
1389 impediment in the proposed urban renewal project area;

1390 (II) select one or more project areas comprising part or all of the survey area; and

1391 (III) authorize the preparation of a proposed project area plan for each project area;

1392 (iii) prepare a proposed project area plan and conduct any examination, investigation,
1393 and negotiation regarding the project area plan that the agency considers appropriate;

1394 (iv) make the proposed project area plan available to the public at the agency's offices
1395 during normal business hours;

1396 (v) provide notice of the plan hearing in accordance with Sections 17C-1-806 and
1397 17C-1-808;

1398 (vi) hold a plan hearing on the proposed project area plan and, at the plan hearing:

1399 (A) allow public comment on:

1400 (I) the proposed project area plan; and

1401 (II) whether the proposed project area plan should be revised, approved, or rejected;

1402 and

1403 (B) receive all written and hear all oral objections to the proposed project area plan;

1404 (vii) before holding the plan hearing, provide an opportunity for the State Board of
1405 Education and each taxing entity that levies a tax on property within the proposed project area
1406 to consult with the agency regarding the proposed project area plan;

1407 (viii) if applicable, hold the election required under Subsection 17C-2-105(3);

1408 (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting
1409 consider:

1410 (A) the oral and written objections to the proposed project area plan and evidence and
1411 testimony for and against adoption of the proposed project area plan; and

1412 (B) whether to revise, approve, or reject the proposed project area plan;

1413 (x) approve the proposed project area plan, with or without revisions, as the project
1414 area plan by a resolution that complies with Section 17C-2-106; and

1415 (xi) submit the project area plan to the community legislative body for adoption.

1416 (b) (i) If an agency makes a [~~finding~~] determination under Subsection (1)(a)(ii)(B) that
1417 [~~blight~~] a development impediment exists in the proposed urban renewal project area, the
1418 agency may not adopt the project area plan until the taxing entity committee approves the
1419 [~~finding of blight~~] development impediment determination.

1420 (ii) (A) A taxing entity committee may not disapprove an agency's [~~finding of blight~~]
1421 development impediment determination unless the committee demonstrates that the conditions
1422 the agency found to exist in the urban renewal project area that support the agency's [~~finding of~~

- 1423 ~~blight~~] development impediment determination under Section 17C-2-303:
- 1424 (I) do not exist; or
- 1425 (II) do not constitute ~~blight~~] a development impediment.
- 1426 (B) (I) If the taxing entity committee questions or disputes the existence of some or all
- 1427 of the ~~blight~~] development impediment conditions that the agency ~~found~~] determined to exist
- 1428 in the urban renewal project area or that those conditions constitute ~~blight~~] a development
- 1429 impediment, the taxing entity committee may hire a consultant, mutually agreed upon by the
- 1430 taxing entity committee and the agency, with the necessary expertise to assist the taxing entity
- 1431 committee to make a determination as to the existence of the questioned or disputed ~~blight~~]
- 1432 development impediment conditions.
- 1433 (II) The agency shall pay the fees and expenses of each consultant hired under
- 1434 Subsection (1)(b)(ii)(B)(I).
- 1435 (III) The ~~findings~~] determination of a consultant under this Subsection (1)(b)(ii)(B)
- 1436 shall be binding on the taxing entity committee and the agency.
- 1437 (2) An agency may not propose a project area plan under Subsection (1) unless the
- 1438 community in which the proposed project area is located:
- 1439 (a) has a planning commission; and
- 1440 (b) has adopted a general plan under:
- 1441 (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
- 1442 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- 1443 (3) (a) Subject to Subsection (3)(b), a board may not approve a project area plan more
- 1444 than one year after adoption of a resolution making a ~~finding of blight~~] development
- 1445 impediment determination under Subsection (1)(a)(ii)(B).
- 1446 (b) If a project area plan is submitted to an election under Subsection 17C-2-105(3),
- 1447 the time between the plan hearing and the date of the election does not count for purposes of
- 1448 calculating the year period under Subsection (3)(a).
- 1449 (4) (a) Except as provided in Subsection (4)(b), a proposed project area plan may not
- 1450 be modified to add real property to the proposed project area unless the board holds a plan
- 1451 hearing to consider the addition and gives notice of the plan hearing as required under Sections
- 1452 17C-1-806 and 17C-1-808.
- 1453 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a

1454 proposed project area plan being modified to add real property to the proposed project area if:

1455 (i) the property is contiguous to the property already included in the proposed project
1456 area under the proposed project area plan;

1457 (ii) the record owner of the property consents to adding the real property to the
1458 proposed project area; and

1459 (iii) the property is located within the survey area.

1460 Section 21. Section **17C-2-103** is amended to read:

1461 **17C-2-103. Urban renewal project area plan requirements.**

1462 (1) [~~Each~~] An agency shall ensure that each urban renewal project area plan and
1463 proposed project area plan [~~shall~~]:

1464 (a) [~~describe~~] describes the boundaries of the project area, subject to Section
1465 [17C-1-414](#), if applicable;

1466 (b) [~~contain~~] contains a general statement of the land uses, layout of principal streets,
1467 population densities, and building intensities of the project area and how they will be affected
1468 by the project area development;

1469 (c) [~~state~~] states the standards that will guide the project area development;

1470 (d) [~~show~~] shows how the purposes of this title will be attained by the project area
1471 development;

1472 (e) [~~be~~] is consistent with the general plan of the community in which the project area
1473 is located and show that the project area development will conform to the community's general
1474 plan;

1475 (f) [~~describe~~] describes how the project area development will reduce or eliminate
1476 [~~blight~~] a development impediment in the project area;

1477 (g) [~~describe~~] describes any specific project or projects that are the object of the
1478 proposed project area development;

1479 (h) [~~identify~~] identifies how a participant will be selected to undertake the project area
1480 development and identify each participant currently involved in the project area development;

1481 (i) [~~state~~] states the reasons for the selection of the project area;

1482 (j) [~~describe~~] describes the physical, social, and economic conditions existing in the
1483 project area;

1484 (k) [~~describe~~] describes any tax incentives offered private entities for facilities located

1485 in the project area;

1486 (l) [~~include~~] includes the analysis described in Subsection (2);

1487 (m) if any of the existing buildings or uses in the project area are included in or eligible
1488 for inclusion in the National Register of Historic Places or the State Register, [~~state~~] states that
1489 the agency shall comply with Section 9-8-404 as though the agency were a state agency; and

1490 (n) [~~include~~] includes other information that the agency determines to be necessary or
1491 advisable.

1492 (2) [~~Each~~] An agency shall ensure that each analysis under Subsection (1)(l) [~~shall~~
1493 ~~consider~~] considers:

1494 (a) the benefit of any financial assistance or other public subsidy proposed to be
1495 provided by the agency, including:

1496 (i) an evaluation of the reasonableness of the costs of the project area development;

1497 (ii) efforts the agency or participant has made or will make to maximize private
1498 investment;

1499 (iii) the rationale for use of tax increment, including an analysis of whether the
1500 proposed project area development might reasonably be expected to occur in the foreseeable
1501 future solely through private investment; and

1502 (iv) an estimate of the total amount of tax increment that will be expended in
1503 undertaking project area development and the project area funds collection period; and

1504 (b) the anticipated public benefit to be derived from the project area development,
1505 including:

1506 (i) the beneficial influences upon the tax base of the community;

1507 (ii) the associated business and economic activity likely to be stimulated; and

1508 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or
1509 eliminate [~~blight~~] a development impediment.

1510 Section 22. Section 17C-2-106 is amended to read:

1511 **17C-2-106. Board resolution approving urban renewal project area plan --**
1512 **Requirements.**

1513 [~~Each board~~] A board shall ensure that each resolution approving a proposed urban
1514 renewal project area plan as the project area plan under Subsection 17C-2-102(1)(a)(x) [~~shall~~
1515 ~~contain~~] contains:

1516 (1) a boundary description of the boundaries of the project area that is the subject of the
1517 project area plan;

1518 (2) the agency's purposes and intent with respect to the project area;

1519 (3) the project area plan incorporated by reference;

1520 (4) a statement that the board previously made a [~~finding of blight~~] development
1521 impediment determination within the project area and the date of the board's [~~finding of blight~~]
1522 determination; and

1523 (5) the board findings and determinations that:

1524 (a) there is a need to effectuate a public purpose;

1525 (b) there is a public benefit under the analysis described in Subsection 17C-2-103(2);

1526 (c) it is economically sound and feasible to adopt and carry out the project area plan;

1527 (d) the project area plan conforms to the community's general plan; and

1528 (e) carrying out the project area plan will promote the public peace, health, safety, and
1529 welfare of the community in which the project area is located.

1530 Section 23. Section 17C-2-110 is amended to read:

1531 **17C-2-110. Amending an urban renewal project area plan.**

1532 (1) [~~An~~] An agency may amend an urban renewal project area plan [~~may be amended~~]
1533 as provided in this section.

1534 (2) If an agency proposes to amend an urban renewal project area plan to enlarge the
1535 project area:

1536 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
1537 a project area plan apply equally to the proposed amendment as if it were a proposed project
1538 area plan;

1539 (b) for a pre-July 1, 1993₂ project area plan, the base year for the new area added to the
1540 project area shall be determined under Subsection 17C-1-102(9) using the effective date of the
1541 amended project area plan;

1542 (c) for a post-June 30, 1993₂ project area plan:

1543 (i) the base year for the new area added to the project area shall be determined under
1544 Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in
1545 Subsection (2)(c)(ii); and

1546 (ii) the agency shall obtain the consent of the taxing entity committee before the agency

1547 may collect tax increment from the area added to the project area by the amendment;

1548 (d) the agency shall make a [~~finding~~] determination regarding the existence of [~~blight~~]
1549 a development impediment in the area proposed to be added to the project area by following
1550 the procedure set forth in Chapter 2, Part 3, [~~Blight~~] Development Impediment Determination
1551 in Urban Renewal Project Areas; and

1552 (e) the agency need not make a [~~finding regarding the existence of blight~~] development
1553 impediment determination in the project area as described in the original project area plan, if
1554 the agency made a [~~finding of the existence of blight~~] development impediment determination
1555 regarding that project area in connection with adoption of the original project area plan.

1556 (3) If a proposed amendment does not propose to enlarge an urban renewal project
1557 area, a board may adopt a resolution approving an amendment to a project area plan after:

1558 (a) the agency gives notice, as provided in Section 17C-1-806, of the proposed
1559 amendment and of the public hearing required by Subsection (3)(b);

1560 (b) the board holds a public hearing on the proposed amendment that meets the
1561 requirements of a plan hearing;

1562 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
1563 amendment proposes:

1564 (i) to enlarge the area within the project area from which tax increment is collected;

1565 (ii) to permit the agency to receive a greater percentage of tax increment or to extend
1566 the project area funds collection period, or both, than allowed under the adopted project area
1567 plan; or

1568 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to
1569 expand the area from which tax increment is collected to exceed 100 acres of private property;
1570 and

1571 (d) the agency obtains the consent of the legislative body or governing board of each
1572 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
1573 than all taxing entities, a greater percentage of tax increment or to extend the project area funds
1574 collection period, or both, than allowed under the adopted project area plan.

1575 (4) (a) [~~An~~] An agency may amend an urban renewal project area plan [~~may be~~
1576 ~~amended~~] without complying with the notice and public hearing requirements of Subsections
1577 (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under

1578 Subsection (3)(c) if the amendment:

1579 (i) makes a minor adjustment in the boundary description of a project area boundary
1580 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
1581 or

1582 (ii) subject to Subsection (4)(b), removes one or more parcels from a project area
1583 because the agency determines that each parcel removed is:

1584 (A) tax exempt;

1585 (B) ~~[no longer blighted]~~ without a development impediment; or

1586 (C) no longer necessary or desirable to the project area.

1587 (b) ~~[An]~~ An agency may make an amendment removing one or more parcels from a
1588 project area under Subsection (4)(a)(ii) ~~[may be made]~~ without the consent of the record
1589 property owner of each parcel being removed.

1590 (5) (a) An amendment approved by board resolution under this section may not take
1591 effect until adopted by ordinance of the legislative body of the community in which the project
1592 area that is the subject of the project area plan being amended is located.

1593 (b) Upon a community legislative body passing an ordinance adopting an amendment
1594 to a project area plan, the agency whose project area plan was amended shall comply with the
1595 requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment
1596 were a project area plan.

1597 (6) (a) Within 30 days after the day on which an amendment to a project area plan
1598 becomes effective, a person may contest the amendment to the project area plan or the
1599 procedure used to adopt the amendment to the project area plan if the amendment or procedure
1600 fails to comply with a provision of this title.

1601 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not
1602 contest the amendment to the project area plan or procedure used to adopt the amendment to
1603 the project area plan for any cause.

1604 Section 24. Section 17C-2-202 is amended to read:

1605 **17C-2-202. Combined incremental value -- Restriction against adopting an urban**
1606 **renewal project area budget -- Taxing entity committee may waive restriction.**

1607 (1) Except as provided in Subsection (2), an agency may not adopt an urban renewal
1608 project area budget if, at the time the urban renewal project area budget is being considered, the

1609 combined incremental value for the agency exceeds 10% of the total taxable value of property
1610 within the agency's boundaries in the year that the urban renewal project area budget is being
1611 considered.

1612 (2) (a) A taxing entity committee may waive the restrictions imposed by Subsection
1613 (1).

1614 (b) Subsection (1) does not apply to an urban renewal project area budget if the
1615 agency's [~~finding of blight~~] development impediment determination in the project area to which
1616 the budget relates is based on a [~~finding~~] determination under Subsection 17C-2-303(1)(b).

1617 Section 25. Section 17C-2-204 is amended to read:

1618 **17C-2-204. Consent of taxing entity committee required for urban renewal**
1619 **project area budget -- Exception.**

1620 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
1621 agency shall obtain the consent of the taxing entity committee for each urban renewal project
1622 area budget under a post-June 30, 1993₂ project area plan before the agency may receive any
1623 tax increment from the urban renewal project area.

1624 (b) For an urban renewal project area budget adopted from July 1, 1998₂ through May
1625 1, 2000₂ that allocates 20% or more of the tax increment for housing as [~~provided~~] described in
1626 Section 17C-1-412, an agency:

1627 (i) need not obtain the consent of the taxing entity committee for the project area
1628 budget; and

1629 (ii) may not receive any tax increment from all or part of the project area until after:

1630 (A) the loan fund board has certified the project area budget as complying with the
1631 requirements of Section 17C-1-412; and

1632 (B) the board has approved and adopted the project area budget by a two-thirds vote.

1633 (2) (a) Before a taxing entity committee may consent to an urban renewal project area
1634 budget adopted on or after May 1, 2000₂ that is required under Subsection 17C-2-203(1)(a) to
1635 allocate 20% of tax increment for housing, the agency shall:

1636 (i) adopt a housing plan [~~showing the uses for the housing funds~~] in accordance with
1637 Subsection 17C-1-412(2); and

1638 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
1639 board.

1640 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
1641 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

1642 Section 26. Section 17C-2-301 is amended to read:

1643 **Part 3. Development Impediment Determination in Urban Renewal Project Areas**

1644 **17C-2-301. Development impediment study -- Requirements -- Deadline.**

1645 (1) [~~Each blight~~] An agency shall ensure that each development impediment study
1646 required under Subsection 17C-2-102(1)(a)(i)(A) [~~shall~~]:

1647 (a) [~~undertake~~] undertakes a parcel by parcel survey of the survey area;

1648 (b) [~~provide~~] provides data so the board and taxing entity committee may determine:

1649 (i) whether the conditions described in Subsection 17C-2-303(1):

1650 (A) exist in part or all of the survey area; and

1651 (B) qualify an area within the survey area as a project area; and

1652 (ii) whether the survey area contains all or part of a superfund site, an inactive
1653 industrial site, or inactive airport site;

1654 (c) [~~include~~] includes a written report setting forth:

1655 (i) the conclusions reached;

1656 (ii) any recommended area within the survey area qualifying as a project area; and

1657 (iii) any other information requested by the agency to determine whether an urban
1658 renewal project area is feasible; and

1659 (d) [~~be~~] is completed within one year after the adoption of the survey area resolution.

1660 (2) (a) If a [~~blight~~] development impediment study is not completed within one year
1661 after the adoption of the resolution under Subsection 17C-2-101.5(1) designating a survey area,
1662 the agency may not approve an urban renewal project area plan based on that [~~blight~~]
1663 development impediment study unless [~~it~~] the agency first adopts a new resolution under
1664 Subsection 17C-2-101.5(1).

1665 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a
1666 resolution under Subsection 17C-2-101.5(1) adopted for the first time, except that any actions
1667 taken toward completing a [~~blight~~] development impediment study under the resolution that the
1668 new resolution replaces shall be considered to have been taken under the new resolution.

1669 Section 27. Section 17C-2-302 is amended to read:

1670 **17C-2-302. Development impediment hearing -- Owners may review evidence of**

1671 **a development impediment.**

1672 (1) In each hearing required under Subsection 17C-2-102(1)(a)(i)(C), the agency shall:

1673 (a) permit all evidence of the existence or nonexistence of [~~blight~~] a development
1674 impediment within the proposed urban renewal project area to be presented; and1675 (b) permit each record owner of property located within the proposed urban renewal
1676 project area or the record property owner's representative the opportunity to:1677 (i) examine and cross-examine witnesses providing evidence of the existence or
1678 nonexistence of [~~blight~~] a development impediment; and1679 (ii) present evidence and testimony, including expert testimony, concerning the
1680 existence or nonexistence of [~~blight~~] a development impediment.1681 (2) The agency shall allow record owners of property located within a proposed urban
1682 renewal project area the opportunity, for at least 30 days before the hearing, to review the
1683 evidence of [~~blight~~] a development impediment compiled by the agency or by the person or
1684 firm conducting the [~~blight~~] development impediment study for the agency, including any
1685 expert report.

1686 Section 28. Section 17C-2-303 is amended to read:

1687 **17C-2-303. Conditions on board determination of a development impediment --**
1688 **Conditions of a development impediment caused by the participant.**1689 (1) A board may not make a [~~finding of blight~~] development impediment determination
1690 in a resolution under Subsection 17C-2-102(1)(a)(ii)(B) unless the board finds that:

1691 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;

1692 (ii) the proposed project area is currently zoned for urban purposes and generally
1693 served by utilities;1694 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural
1695 or nonaccessory buildings or improvements used or intended for residential, commercial,
1696 industrial, or other urban purposes, or any combination of those uses;1697 (iv) the present condition or use of the proposed project area substantially impairs the
1698 sound growth of the municipality, retards the provision of housing accommodations, or
1699 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as
1700 shown by the existence within the proposed project area of at least four of the following
1701 factors:

1702 (A) one of the following, although sometimes interspersed with well maintained
1703 buildings and infrastructure:

1704 (I) substantial physical dilapidation, deterioration, or defective construction of
1705 buildings or infrastructure; or

1706 (II) significant noncompliance with current building code, safety code, health code, or
1707 fire code requirements or local ordinances;

1708 (B) unsanitary or unsafe conditions in the proposed project area that threaten the
1709 health, safety, or welfare of the community;

1710 (C) environmental hazards, as defined in state or federal law, that require remediation
1711 as a condition for current or future use and development;

1712 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
1713 urban use and served by utilities;

1714 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
1715 welfare;

1716 (F) criminal activity in the project area, higher than that of comparable [~~nonblighted~~]
1717 areas in the municipality or county that are without a development impediment; and

1718 (G) defective or unusual conditions of title rendering the title nonmarketable; and

1719 (v) (A) at least 50% of the privately-owned parcels within the proposed project area are
1720 affected by at least one of the factors, but not necessarily the same factor, listed in Subsection
1721 (1)(a)(iv); and

1722 (B) the affected parcels comprise at least 66% of the privately-owned acreage of the
1723 proposed project area; or

1724 (b) the proposed project area includes some or all of a superfund site, inactive
1725 industrial site, or inactive airport site.

1726 (2) No single parcel comprising 10% or more of the acreage of the proposed project
1727 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
1728 that parcel is occupied by buildings or improvements.

1729 (3) (a) For purposes of Subsection (1), if a participant involved in the project area
1730 development has caused a condition listed in Subsection (1)(a)(iv) within the proposed project
1731 area, that condition may not be used in the determination of [~~blight~~] a development
1732 impediment.

1733 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
1734 tenant who becomes a participant.

1735 Section 29. Section 17C-2-304 is amended to read:

1736 **17C-2-304. Challenging a development impediment determination -- Time limit --**

1737 **De novo review.**

1738 (1) If the board makes a [~~finding of blight~~] development impediment determination
1739 under Subsection 17C-2-102(1)(a)(ii)(B) and that [~~finding~~] determination is approved by
1740 resolution adopted by the taxing entity committee, a record owner of property located within
1741 the proposed urban renewal project area may challenge the [~~finding~~] determination by filing an
1742 action with the district court for the county in which the property is located.

1743 (2) [~~Each~~] A person shall file a challenge under Subsection (1) [~~shall be filed~~] within
1744 30 days after the taxing entity committee approves the board's [~~finding of blight~~] development
1745 impediment determination.

1746 (3) In each action under this section, the district court shall review the [~~finding of~~
1747 ~~blight~~] development impediment determination under the standards of review provided in
1748 Subsection 10-9a-801(3).

1749 Section 30. Section 17C-5-103 is amended to read:

1750 **17C-5-103. Initiating a community reinvestment project area plan.**

1751 (1) Subject to Subsection (2), a board shall initiate the process of adopting a
1752 community reinvestment project area plan by adopting a survey area resolution that:

1753 (a) designates a geographic area located within the agency's boundaries as a survey
1754 area;

1755 (b) contains a description or map of the boundaries of the survey area;

1756 (c) contains a statement that the survey area requires study to determine whether
1757 project area development is feasible within one or more proposed community reinvestment
1758 project areas within the survey area; and

1759 (d) authorizes the agency to:

1760 (i) prepare a proposed community reinvestment project area plan for each proposed
1761 community reinvestment project area; and

1762 (ii) conduct any examination, investigation, or negotiation regarding the proposed
1763 community reinvestment project area that the agency considers appropriate.

1764 (2) If an agency anticipates using eminent domain to acquire property within the survey
1765 area, the resolution described in Subsection (1) shall include:

1766 (a) a statement that the survey area requires study to determine whether [~~blight~~] a
1767 development impediment exists within the survey area; and

1768 (b) authorization for the agency to conduct a [~~blight~~] development impediment study in
1769 accordance with Section [17C-5-403](#).

1770 Section 31. Section **17C-5-104** is amended to read:

1771 **17C-5-104. Process for adopting a community reinvestment project area plan --**

1772 **Prerequisites -- Restrictions.**

1773 (1) An agency may not propose a community reinvestment project area plan unless the
1774 community in which the proposed community reinvestment project area plan is located:

1775 (a) has a planning commission; and

1776 (b) has adopted a general plan under:

1777 (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or

1778 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

1779 (2) (a) Before an agency may adopt a proposed community reinvestment project area
1780 plan, the agency shall conduct a [~~blight~~] development impediment study and make a [~~blight~~]

1781 development impediment determination in accordance with Part 4, [~~Blight~~] Development

1782 Impediment Determination in a Community Reinvestment Project Area, if the agency

1783 anticipates using eminent domain to acquire property within the proposed community

1784 reinvestment project area.

1785 (b) If applicable, an agency may not approve a community reinvestment project area

1786 plan more than one year after the agency adopts a resolution making a [~~finding of blight~~]

1787 development impediment determination under Section [17C-5-402](#).

1788 (3) To adopt a community reinvestment project area plan, an agency shall:

1789 (a) prepare a proposed community reinvestment project area plan in accordance with

1790 Section [17C-5-105](#);

1791 (b) make the proposed community reinvestment project area plan available to the

1792 public at the agency's office during normal business hours for at least 30 days before the plan

1793 hearing described in Subsection (3)(e);

1794 (c) before holding the plan hearing described in Subsection (3)(e), provide an

1795 opportunity for the State Board of Education and each taxing entity that levies or imposes a tax
1796 within the proposed community reinvestment project area to consult with the agency regarding
1797 the proposed community reinvestment project area plan;

1798 (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing
1799 and Notice Requirements;

1800 (e) hold a plan hearing on the proposed community reinvestment project area plan and,
1801 at the plan hearing:

1802 (i) allow public comment on:

1803 (A) the proposed community reinvestment project area plan; and

1804 (B) whether the agency should revise, approve, or reject the proposed community
1805 reinvestment project area plan; and

1806 (ii) receive all written and oral objections to the proposed community reinvestment
1807 project area plan; and

1808 (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency
1809 meeting:

1810 (i) consider:

1811 (A) the oral and written objections to the proposed community reinvestment project
1812 area plan and evidence and testimony for and against adoption of the proposed community
1813 reinvestment project area plan; and

1814 (B) whether to revise, approve, or reject the proposed community reinvestment project
1815 area plan;

1816 (ii) adopt a resolution in accordance with Section [17C-5-108](#) that approves the
1817 proposed community reinvestment project area plan, with or without revisions, as the
1818 community reinvestment project area plan; and

1819 (iii) submit the community reinvestment project area plan to the community legislative
1820 body for adoption.

1821 (4) (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed
1822 community reinvestment project area plan to add one or more parcels to the proposed
1823 community reinvestment project area unless the agency holds a plan hearing to consider the
1824 addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and
1825 Notice Requirements.

1826 (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to
1827 a proposed community reinvestment project area plan being modified to add one or more
1828 parcels to the proposed community reinvestment project area if:

1829 (i) each parcel is contiguous to one or more parcels already included in the proposed
1830 community reinvestment project area under the proposed community reinvestment project area
1831 plan;

1832 (ii) the record owner of each parcel consents to adding the parcel to the proposed
1833 community reinvestment project area; and

1834 (iii) each parcel is located within the survey area.

1835 Section 32. Section 17C-5-105 is amended to read:

1836 **17C-5-105. Community reinvestment project area plan requirements.**

1837 [~~Each~~] An agency shall ensure that each community reinvestment project area plan and
1838 proposed community reinvestment project area plan [~~shall~~]:

1839 (1) subject to Section 17C-1-414, if applicable, [~~include~~] includes a boundary
1840 description and a map of the community reinvestment project area;

1841 (2) [~~contain~~] contains a general statement of the existing land uses, layout of principal
1842 streets, population densities, and building intensities of the community reinvestment project
1843 area and how each will be affected by project area development;

1844 (3) [~~state~~] states the standards that will guide project area development;

1845 (4) [~~show~~] shows how project area development will further purposes of this title;

1846 (5) [~~be~~] is consistent with the general plan of the community in which the community
1847 reinvestment project area is located and [~~show~~] shows that project area development will
1848 conform to the community's general plan;

1849 (6) if applicable, [~~describe~~] describes how project area development will eliminate or
1850 reduce [~~blight~~] a development impediment in the community reinvestment project area;

1851 (7) [~~describe~~] describes any specific project area development that is the object of the
1852 community reinvestment project area plan;

1853 (8) if applicable, [~~explain~~] explains how the agency plans to select a participant;

1854 (9) [~~state~~] states each reason the agency selected the community reinvestment project
1855 area;

1856 (10) [~~describe~~] describes the physical, social, and economic conditions that exist in the

1857 community reinvestment project area;

1858 (11) [~~describe~~] describes each type of financial assistance that the agency anticipates
1859 offering a participant;

1860 (12) [~~include~~] includes an analysis or description of the anticipated public benefit
1861 resulting from project area development, including benefits to the community's economic
1862 activity and tax base;

1863 (13) if applicable, [~~state~~] states that the agency shall comply with Section 9-8-404 as
1864 required under Section 17C-5-106;

1865 (14) [~~state~~] for a community reinvestment project area plan that an agency adopted
1866 before May 14, 2019, states whether the community reinvestment project area plan or proposed
1867 community reinvestment project area plan is subject to a taxing entity committee or an
1868 interlocal agreement; and

1869 (15) [~~include~~] includes other information that the agency determines to be necessary or
1870 advisable.

1871 Section 33. Section 17C-5-108 is amended to read:

1872 **17C-5-108. Board resolution approving a community reinvestment project area**
1873 **plan -- Requirements.**

1874 A board shall ensure that a resolution approving a proposed community reinvestment
1875 area plan as the community reinvestment project area plan under Section 17C-5-104 [~~shall~~
1876 ~~contain~~] contains:

1877 (1) a boundary description of the community reinvestment project area that is the
1878 subject of the community reinvestment project area plan;

1879 (2) the agency's purposes and intent with respect to the community reinvestment
1880 project area;

1881 (3) the proposed community reinvestment project area plan incorporated by reference;

1882 (4) the board findings and determinations that the proposed community reinvestment
1883 project area plan:

1884 (a) serves a public purpose;

1885 (b) produces a public benefit as demonstrated by the analysis described in Subsection
1886 17C-5-105(12);

1887 (c) is economically sound and feasible;

1888 (d) conforms to the community's general plan; and
1889 (e) promotes the public peace, health, safety, and welfare of the community in which
1890 the proposed community reinvestment project area is located; and

1891 (5) if the board made a [~~finding of blight~~] development impediment determination
1892 under Section 17C-5-402, a statement that the board made a [~~finding of blight~~] development
1893 impediment determination within the proposed community reinvestment project area and the
1894 date on which the board made the [~~finding of blight~~] determination.

1895 Section 34. Section 17C-5-112 is amended to read:

1896 **17C-5-112. Amending a community reinvestment project area plan.**

1897 (1) An agency may amend a community reinvestment project area plan in accordance
1898 with this section.

1899 (2) (a) If an amendment proposes to enlarge a community reinvestment project area's
1900 geographic area, the agency shall:

1901 (i) comply with this part as though the agency were creating a community reinvestment
1902 project area;

1903 (ii) if the agency anticipates receiving project area funds from the area proposed to be
1904 added to the community reinvestment project area, before the agency may collect project area
1905 funds:

1906 (A) for a community reinvestment project area plan that is subject to a taxing entity
1907 committee, obtain approval to receive tax increment from the taxing entity committee; or

1908 (B) for a community reinvestment project area plan that is subject to an interlocal
1909 agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement;
1910 and

1911 (iii) if the agency anticipates acquiring property in the area proposed to be added to the
1912 community reinvestment project area by eminent domain, follow the procedures described in
1913 Section 17C-5-402.

1914 (b) The base year for the area proposed to be added to the community reinvestment
1915 project area shall be determined using the date of:

1916 (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or

1917 (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).

1918 (3) If an amendment does not propose to enlarge a community reinvestment project

1919 area's geographic area, the board may adopt a resolution approving the amendment after the
1920 agency:

1921 (a) if the amendment does not propose to allow the agency to receive a greater amount
1922 of project area funds or to extend a project area funds collection period:

1923 (i) gives notice in accordance with Section 17C-1-806; and

1924 (ii) holds a public hearing on the proposed amendment that meets the requirements
1925 described in Subsection 17C-5-104(3); or

1926 (b) if the amendment proposes to also allow the agency to receive a greater amount of
1927 project area funds or to extend a project area funds collection period:

1928 (i) complies with Subsection (3)(a)(i) and (ii); and

1929 (ii) (A) for a community reinvestment project area plan that is subject to a taxing entity
1930 committee, obtains approval from the taxing entity committee; or

1931 (B) for a community reinvestment project area plan that is subject to an interlocal
1932 agreement, obtains approval to receive project area funds from the taxing entity that is a party
1933 to the interlocal agreement.

1934 ~~[(4) (a) An agency may amend a community reinvestment project area plan for a
1935 community reinvestment project area that is subject to an interlocal agreement for the purpose
1936 of using eminent domain to acquire one or more parcels within the community reinvestment
1937 project area.]~~

1938 (4) (a) If a board has not made a determination under Part 4, Development Impediment
1939 Determination in a Community Reinvestment Project Area, but intends to use eminent domain
1940 within a community reinvestment project area, the agency may amend the community
1941 reinvestment project area plan in accordance with this Subsection (4).

1942 (b) To amend a community reinvestment project area plan as described in Subsection
1943 (4)(a), an agency shall:

1944 (i) adopt a survey area resolution that identifies each parcel that the agency intends to
1945 study to determine whether ~~[blight]~~ a development impediment exists;

1946 (ii) in accordance with Part 4, ~~[Blight]~~ Development Impediment Determination in a
1947 Community Reinvestment Project Area, conduct a [blight] development impediment study
1948 within the survey area and make a [blight] development impediment determination; and

1949 ~~[(iii) create a taxing entity committee whose sole purpose is to approve any finding of~~

1950 blight in accordance with Subsection ~~17C-5-402(3)~~; and]

1951 [(iv)] (iii) obtain approval to amend the community reinvestment project area plan
1952 from each taxing entity that is a party to an interlocal agreement.

1953 (c) Amending a community reinvestment project area plan as described in this
1954 Subsection (4) does not affect:

1955 (i) the base year of the parcel or parcels that are the subject of an amendment under this
1956 Subsection (4); and

1957 (ii) any interlocal agreement under which the agency is authorized to receive project
1958 area funds from the community reinvestment project area.

1959 (5) An agency may amend a community reinvestment project area plan without
1960 obtaining the consent of a taxing entity or a taxing entity committee and without providing
1961 notice or holding a public hearing if the amendment:

1962 (a) makes a minor adjustment in the community reinvestment project area boundary
1963 that is requested by a county assessor or county auditor to avoid inconsistent property boundary
1964 lines; or

1965 (b) removes one or more parcels from a community reinvestment project area because
1966 the agency determines that each parcel is:

1967 (i) tax exempt;

1968 (ii) ~~[no longer blighted]~~ without a development impediment; or

1969 (iii) no longer necessary or desirable to the project area.

1970 (6) (a) An amendment approved by board resolution under this section may not take
1971 effect until the community legislative body adopts an ordinance approving the amendment.

1972 (b) Upon the community legislative body adopting an ordinance approving an
1973 amendment under Subsection (6)(a), the agency shall comply with the requirements described
1974 in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community reinvestment
1975 project area plan.

1976 (7) (a) Within 30 days after the day on which an amendment to a project area plan
1977 becomes effective, a person may contest the amendment to the project area plan or the
1978 procedure used to adopt the amendment to the project area plan if the amendment or procedure
1979 fails to comply with a provision of this title.

1980 (b) After the 30-day period described in Subsection (7)(a) expires, a person may not

1981 contest the amendment to the project area plan or procedure used to adopt the amendment to
 1982 the project area plan for any cause.

1983 Section 35. Section **17C-5-202** is amended to read:

1984 **17C-5-202. Community reinvestment project area funding.**

1985 (1) (a) [~~Except~~] Beginning on May 14, 2019, and except as provided in Subsection (2),
 1986 for the purpose of receiving project area funds for use within a community reinvestment project
 1987 area, an agency shall negotiate and enter into an interlocal agreement with a taxing entity in
 1988 accordance with Section **17C-5-204** to receive all or a portion of the taxing entity's tax
 1989 increment or sales and use tax revenue in accordance with the interlocal agreement.

1990 (b) If a community reinvestment project area is subject to an interlocal agreement
 1991 under Subsection (1)(a) and the agency subsequently amends the community reinvestment
 1992 project area plan as described in Subsection **17C-5-112**(4), the agency shall continue to receive
 1993 project area funds under the interlocal agreement.

1994 [~~(2) If an agency plans to create a community reinvestment project area and adopt a~~
 1995 ~~community reinvestment project area plan that provides for the use of eminent domain to~~
 1996 ~~acquire property within the community reinvestment project area, the agency shall create a~~
 1997 ~~taxing entity committee as described in Section **17C-1-402** and receive tax increment in~~
 1998 ~~accordance with Section **17C-5-203**.]~~

1999 (2) Notwithstanding Subsection (1), an agency may receive tax increment in
 2000 accordance with Section **17C-5-203** if the agency created a community reinvestment project
 2001 area before May 14, 2019, that is subject to a taxing entity committee and provides for the use
 2002 of eminent domain to acquire property within the community reinvestment project area.

2003 (3) An agency shall comply with [~~Chapter 5;~~] Part 3, Community Reinvestment Project
 2004 Area Budget, regardless of whether an agency enters into an interlocal agreement under
 2005 Subsection [~~(1) or creates a taxing entity committee~~] (1) or receives tax increment under
 2006 Subsection (2).

2007 Section 36. Section **17C-5-203** is amended to read:

2008 **17C-5-203. Community reinvestment project area subject to taxing entity**
 2009 **committee -- Tax increment.**

2010 (1) This section applies to a community reinvestment project area that an agency
 2011 created before May 14, 2019, and that is subject to a taxing entity committee under Subsection

2012 17C-5-202(2).

2013 (2) Subject to the taxing entity committee's approval of a community reinvestment
2014 project area budget under Section 17C-5-304, and for the purpose of implementing a
2015 community reinvestment project area plan, an agency may receive up to 100% of a taxing
2016 entity's tax increment, or any specified dollar amount of tax increment, for any period of time.

2017 (3) Notwithstanding Subsection (2), an agency that adopts a community reinvestment
2018 project area plan that is subject to a taxing entity committee may negotiate and enter into an
2019 interlocal agreement with a taxing entity and receive all or a portion of the taxing entity's sales
2020 and use tax revenue for any period of time.

2021 Section 37. Section 17C-5-204 is amended to read:

2022 **17C-5-204. Community reinvestment project area subject to interlocal agreement**
2023 **-- Consent of a taxing entity to an agency receiving project area funds.**

2024 (1) As used in this section[, "successor"]:

2025 (a) "Limited purpose taxing entity" means the following public entities that levy or
2026 impose a tax on property located within a community reinvestment project area:

2027 (i) a local district created under Title 17B, Limited Purpose Local Government Entities
2028 - Local Districts;

2029 (ii) a special service district created under Title 17D, Chapter 1, Special Service
2030 District Act; or

2031 (iii) a school district.

2032 (b) "Successor taxing entity" means a taxing entity that:

2033 [~~a~~] (i) is created after the day on which an interlocal agreement is executed to allow
2034 an agency to receive a taxing entity's project area funds; and

2035 [~~b~~] (ii) levies or imposes a tax on property located within the community
2036 reinvestment project area.

2037 (2) This section applies to a community reinvestment project area that is subject to an
2038 interlocal agreement under Subsection 17C-5-202(1)[~~a~~].

2039 (3) For the purpose of implementing a community reinvestment project area plan, an
2040 agency may negotiate with a taxing entity for all or a portion of the taxing entity's project area
2041 funds.

2042 (4) (a) [~~A~~] Except as provided in Subsection (4)(b), a taxing entity may agree to allow

2043 an agency to receive the taxing entity's project area funds by executing an interlocal agreement
2044 with the agency in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

2045 (b) (i) Notwithstanding Subsection (4)(a) and subject to Subsection (4)(b)(ii), all
2046 limited purpose taxing entities shall execute an interlocal agreement with an agency as
2047 described in Subsection (4)(a) if:

2048 (A) the agency executes an interlocal agreement as described in Subsection (4)(a) with
2049 the municipality and county within which the community reinvestment project area is located;

2050 (B) the agency allocates at least 20% of the agency's community reinvestment project
2051 area funds for housing as described in Section 17C-5-307; and

2052 (C) the agency has adopted or is implementing a housing plan in accordance with
2053 Subsection 17C-1-412(2).

2054 (ii) An agency and a limited purpose taxing entity shall ensure that the terms of an
2055 interlocal agreement under Subsection (4)(b)(i) are similar to the terms of an interlocal
2056 agreement under Subsection (4)(b)(i)(A), including a substantially similar:

2057 (A) project area funds collection period; and

2058 (B) method of calculating the amount of the taxing entity's tax increment from the
2059 community reinvestment project area that the agency receives, including the base year and base
2060 taxable value.

2061 (5) Before an agency may use project area funds received under an interlocal
2062 agreement described in Subsection (4), the agency shall:

2063 (a) obtain a written certification, signed by an attorney licensed to practice law in the
2064 state, stating that the agency and the taxing entity have each followed all legal requirements
2065 relating to the adoption of the interlocal agreement; and

2066 (b) provide a signed copy of the certification described in Subsection (5)(a) to the
2067 taxing entity.

2068 (6) An agency and a taxing entity shall ensure that an interlocal agreement described in
2069 Subsection (4) [~~shall~~]:

2070 (a) if the interlocal agreement provides for the agency to receive tax increment, [~~state~~]
2071 states:

2072 (i) the method of calculating the amount of the taxing entity's tax increment from the
2073 community reinvestment project area that the agency receives, including the base year and base

- 2074 taxable value;
- 2075 (ii) the project area funds collection period; and
- 2076 (iii) the percentage of the taxing entity's tax increment or the maximum cumulative
- 2077 dollar amount of the taxing entity's tax increment that the agency receives;
- 2078 (b) if the interlocal agreement provides for the agency to receive the taxing entity's
- 2079 sales and use tax revenue, [state] states:
- 2080 (i) the method of calculating the amount of the taxing entity's sales and use tax revenue
- 2081 that the agency receives;
- 2082 (ii) the project area funds collection period; and
- 2083 (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar
- 2084 amount of sales and use tax revenue that the agency receives; and
- 2085 (c) [~~include~~] includes a copy of the community reinvestment project area budget.
- 2086 (7) A school district may consent to allow an agency to receive tax increment from the
- 2087 school district's basic levy only to the extent that the school district also consents to allow the
- 2088 agency to receive tax increment from the school district's local levy.
- 2089 (8) The parties may amend an interlocal agreement under this section by mutual
- 2090 consent.
- 2091 (9) A taxing entity's consent to allow an agency to receive project area funds under this
- 2092 section is not subject to the requirements of Section [10-8-2](#) or [17-50-312](#).
- 2093 (10) An interlocal agreement executed by a taxing entity under this section may be
- 2094 enforced by or against any successor taxing entity.

2095 Section 38. Section **17C-5-401** is amended to read:

2096 **Part 4. Development Impediment Determination in a Community**
 2097 **Reinvestment Project Area**

2098 **17C-5-401. Title.**

2099 This part is known as "[~~Blight~~] Development Impediment Determination in a
2100 Community Reinvestment Project Area."

2101 Section 39. Section **17C-5-402** is amended to read:

2102 **17C-5-402. Development impediment determination in a community**
 2103 **reinvestment project area -- Prerequisites -- Restrictions.**

2104 (1) An agency shall comply with the provisions of this section before the agency may

2105 use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.

2106 (2) An agency shall, after adopting a survey area resolution as described in Section
2107 [17C-5-103](#):

2108 (a) cause a [~~blight~~] development impediment study to be conducted within the survey
2109 area in accordance with Section [17C-5-403](#);

2110 (b) provide notice and hold a [~~blight~~] development impediment hearing in accordance
2111 with Chapter 1, Part 8, Hearing and Notice Requirements; and

2112 (c) after the [~~blight~~] development impediment hearing, at the same or at a subsequent
2113 meeting:

2114 (i) consider [~~the issue of blight and~~] the evidence and information relating to the
2115 existence or nonexistence of [~~blight~~] a development impediment; and

2116 (ii) by resolution, make a [~~finding~~] determination regarding whether [~~blight~~] a
2117 development impediment exists in all or part of the survey area.

2118 [~~(3) (a) If an agency makes a finding of blight under Subsection (2), the agency may
2119 not adopt an original community reinvestment project area plan or an amendment to a
2120 community reinvestment project area plan under Subsection [17C-5-112](#)(4) until the taxing
2121 entity committee approves the finding of blight.]~~]

2122 [~~(b) (i) A taxing entity committee shall approve an agency's finding of blight unless the
2123 taxing entity committee demonstrates that the conditions the agency found to exist in the
2124 survey area that support the agency's finding of blight:]~~]

2125 [~~(A) do not exist; or]~~]

2126 [~~(B) do not constitute blight under Section [17C-5-405](#).]~~]

2127 [~~(ii) (A) If the taxing entity committee questions or disputes the existence of some or
2128 all of the blight conditions that the agency found to exist in the survey area, the taxing entity
2129 committee may hire a consultant, mutually agreed upon by the taxing entity committee and the
2130 agency, with the necessary expertise to assist the taxing entity committee in making a
2131 determination as to the existence of the questioned or disputed blight conditions:]~~]

2132 [~~(B) The agency shall pay the fees and expenses of each consultant hired under
2133 Subsection (3)(b)(ii)(A).]~~]

2134 [~~(C) The findings of a consultant hired under Subsection (3)(b)(ii)(A) are binding on
2135 the taxing entity committee and the agency.]~~]

2136 Section 40. Section **17C-5-403** is amended to read:

2137 **17C-5-403. Development impediment study -- Requirements -- Deadline.**

2138 (1) [~~A blight~~] An agency shall ensure that a development impediment study [~~shall~~]:

2139 (a) [~~undertake~~] undertakes a parcel by parcel survey of the survey area;

2140 (b) [~~provide~~] provides data so the board [~~and taxing entity committee~~] may determine:

2141 (i) whether the conditions described in Section **17C-5-405**:

2142 (A) exist in part or all of the survey area; and

2143 (B) meet the qualifications for a [~~finding of blight~~] development impediment

2144 determination in all or part of the survey area; and

2145 (ii) whether the survey area contains all or part of a superfund site;

2146 (c) [~~include~~] includes a written report that states:

2147 (i) the conclusions reached;

2148 (ii) any area within the survey area that meets the statutory criteria of [~~blight~~] a

2149 development impediment under Section **17C-5-405**; and

2150 (iii) any other information requested by the agency to determine whether [~~blight~~] a

2151 development impediment exists within the survey area; and

2152 (d) [~~be~~] is completed within one year after the day on which the survey area resolution
2153 is adopted.

2154 (2) (a) If a [~~blight~~] development impediment study is not completed within the time
2155 described in Subsection (1)(d), the agency may not approve a community reinvestment project
2156 area plan or an amendment to a community reinvestment project area plan under Subsection
2157 **17C-5-112**(4) based on a [~~blight~~] development impediment study unless the agency first adopts
2158 a new resolution under Subsection **17C-5-103**(1).

2159 (b) A new resolution described in Subsection (2)(a) shall in all respects be considered
2160 to be a resolution under Subsection **17C-5-103**(1) adopted for the first time, except that any
2161 actions taken toward completing a [~~blight~~] development impediment study under the resolution
2162 that the new resolution replaces shall be considered to have been taken under the new
2163 resolution.

2164 (3) (a) For the purpose of making a [~~blight~~] development impediment determination
2165 under Subsection **17C-5-402**(2)(c)(ii), a [~~blight~~] development impediment study is valid for
2166 one year from the day on which the [~~blight~~] development impediment study is completed.

2167 (b) (i) Except as provided in Subsection (3)(b)(ii), an agency that makes a [blight]
2168 development impediment determination under a valid [blight] development impediment study
2169 and subsequently adopts a community reinvestment project area plan in accordance with
2170 Section 17C-5-104 may amend the community reinvestment project area plan without
2171 conducting a new [blight] development impediment study.

2172 (ii) An agency shall conduct a supplemental [blight] development impediment study
2173 for the area proposed to be added to the community reinvestment project area if the agency
2174 proposes an amendment to a community reinvestment project area plan that:

2175 (A) increases the community reinvestment project area's geographic boundary and the
2176 area proposed to be added was not included in the original [blight] development impediment
2177 study; and

2178 (B) provides for the use of eminent domain within the area proposed to be added to the
2179 community reinvestment project area.

2180 Section 41. Section 17C-5-404 is amended to read:

2181 **17C-5-404. Development impediment hearing -- Owners may review evidence of**
2182 **a development impediment.**

2183 (1) In a hearing required under Subsection 17C-5-402(2)(b), an agency shall:

2184 (a) permit all evidence of the existence or nonexistence of [blight] a development
2185 impediment within the survey area to be presented; and

2186 (b) permit each record owner of property located within the survey area or the record
2187 property owner's representative the opportunity to:

2188 (i) examine and cross-examine each witness that provides evidence of the existence or
2189 nonexistence of [blight] a development impediment; and

2190 (ii) present evidence and testimony, including expert testimony, concerning the
2191 existence or nonexistence of [blight] a development impediment.

2192 (2) An agency shall allow each record owner of property located within a survey area
2193 the opportunity, for at least 30 days before the day on which the hearing takes place, to review
2194 the evidence of [blight] a development impediment compiled by the agency or by the person or
2195 firm conducting the [blight] development impediment study for the agency, including any
2196 expert report.

2197 Section 42. Section 17C-5-405 is amended to read:

2198 **17C-5-405. Conditions on a development impediment determination --**

2199 **Conditions of a development impediment caused by a participant.**

2200 (1) A board may not make a [~~finding of blight~~] development impediment determination
2201 in a resolution under Subsection 17C-5-402(2)(c)(ii) unless the board finds that:

2202 (a) (i) the survey area consists predominantly of nongreenfield parcels;

2203 (ii) the survey area is currently zoned for urban purposes and generally served by
2204 utilities;

2205 (iii) at least 50% of the parcels within the survey area contain nonagricultural or
2206 nonaccessory buildings or improvements used or intended for residential, commercial,
2207 industrial, or other urban purposes;

2208 (iv) the present condition or use of the survey area substantially impairs the sound
2209 growth of the community, delays the provision of housing accommodations, constitutes an
2210 economic liability, or is detrimental to the public health, safety, or welfare, as shown by the
2211 existence within the survey area of at least four of the following factors:

2212 (A) although sometimes interspersed with well maintained buildings and infrastructure,
2213 substantial physical dilapidation, deterioration, or defective construction of buildings or
2214 infrastructure, or significant noncompliance with current building code, safety code, health
2215 code, or fire code requirements or local ordinances;

2216 (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or
2217 welfare of the community;

2218 (C) environmental hazards, as defined in state or federal law, which require
2219 remediation as a condition for current or future use and development;

2220 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
2221 urban use and served by utilities;

2222 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
2223 welfare;

2224 (F) criminal activity in the survey area, higher than that of comparable [~~nonblighted~~]
2225 areas in the municipality or county that are without a development impediment; and

2226 (G) defective or unusual conditions of title rendering the title nonmarketable; and

2227 (v) (A) at least 50% of the privately owned parcels within the survey area are affected
2228 by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv);

2229 and

2230 (B) the affected parcels comprise at least 66% of the privately owned acreage within
2231 the survey area; or

2232 (b) the survey area includes some or all of:

2233 (i) a superfund site;

2234 (ii) a site used for the disposal of solid waste or hazardous waste, as those terms are
2235 defined in Section 19-6-102;

2236 (iii) an inactive industrial site; or

2237 (iv) an inactive airport site.

2238 (2) A single parcel comprising 10% or more of the acreage within the survey area may
2239 not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at
2240 least 50% of the area of the parcel is occupied by buildings or improvements.

2241 (3) (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a
2242 participant or proposed participant involved in the project area development has caused a
2243 condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used
2244 in the determination of ~~[blight]~~ a development impediment.

2245 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
2246 tenant who later becomes a participant.

2247 Section 43. Section 17C-5-406 is amended to read:

2248 **17C-5-406. Challenging a finding of development impediment determination --**

2249 **Time limit -- Standards governing court review.**

2250 (1) If a board makes a ~~[finding of blight]~~ development impediment determination
2251 under Subsection 17C-5-402(2)(c)(ii) ~~[and the finding is approved by resolution adopted by the~~
2252 ~~taxing entity committee]~~, a record owner of property located within the survey area may
2253 challenge the ~~[finding]~~ determination by filing an action in the district court in the county in
2254 which the property is located no later than 30 days after the day on which the board makes the
2255 determination.

2256 ~~[(2) A person shall file an action under Subsection (1) no later than 30 days after the~~
2257 ~~day on which the taxing entity committee approves the board's finding of blight.]~~

2258 ~~[(3)]~~ (2) In an action under this section:

2259 (a) the agency shall transmit to the district court the record of the agency's proceedings,

2260 including any minutes, findings, determinations, orders, or transcripts of the agency's
2261 proceedings;

2262 (b) the district court shall review the [~~finding of blight~~] development impediment
2263 determination under the standards of review provided in Subsection [10-9a-801\(3\)](#); and

2264 (c) (i) if there is a record:

2265 (A) the district court's review is limited to the record provided by the agency; and

2266 (B) the district court may not accept or consider any evidence outside the record of the
2267 agency, unless the evidence was offered to the agency and the district court determines that the
2268 agency improperly excluded the evidence; or

2269 (ii) if there is no record, the district court may call witnesses and take evidence.