COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES

ACT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends provisions related to community development and renewal agencies.

Highlighted Provisions:

This bill:

- defines terms;
- beginning May 10, 2016:
  - renames a community development and renewal agency to be a community reinvestment agency;
  - allows an agency to create a community reinvestment project area; and
  - prohibits an agency from creating an urban renewal project area, an economic development project area, or a community development project area;
- amends the requirements for an agency's annual report;
- for an agency that adopts a community reinvestment project area plan:
  - provides the agency the option to fund a community reinvestment project area with tax increment that is subject to a taxing entity committee, or with tax increment or sales and use tax revenue that is subject to an interlocal agreement with a taxing entity;
  - requires the agency to conduct a blight study, make a blight determination, and create a taxing entity committee if the agency anticipates using eminent domain to acquire property within the community reinvestment project area;
  - removes the requirement that the agency hold an election if 2/3 of the property owners within a proposed community reinvestment project area plan object to the creation of the community reinvestment project area plan;
  - requires that the agency adopt a community reinvestment project area budget;
- clarifies how a project area's incremental value is factored into the new growth
calculation once the project area dissolves; and

\[ \text{makes technical and conforming changes.} \]

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 17C-1-101, as last amended by Laws of Utah 2010, Chapter 279
- 17C-1-102, as last amended by Laws of Utah 2015, Chapter 397
- 17C-1-103, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 17C-1-201, as last amended by Laws of Utah 2012, Chapter 235
- 17C-1-202, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 17C-1-203, as last amended by Laws of Utah 2008, Chapter 125
- 17C-1-204, as last amended by Laws of Utah 2012, Chapter 212
- 17C-1-205, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 17C-1-206, as last amended by Laws of Utah 2007, Chapter 379
- 17C-1-207, as last amended by Laws of Utah 2012, Chapter 235
- 17C-1-208, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 17C-1-301, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 17C-1-302, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 17C-1-401, as last amended by Laws of Utah 2012, Chapter 235
- 17C-1-402, as last amended by Laws of Utah 2013, Chapter 80
- 17C-1-403, as last amended by Laws of Utah 2013, Chapter 80
- 17C-1-404, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 17C-1-405, as last amended by Laws of Utah 2009, Chapter 387
- 17C-1-406, as enacted by Laws of Utah 2006, Chapter 359
- 17C-1-407, as last amended by Laws of Utah 2013, Chapter 80
- 17C-1-408, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
- 17C-1-409, as last amended by Laws of Utah 2011, Chapter 43
- 17C-1-410, as last amended by Laws of Utah 2007, Chapter 364
17C-1-411, as last amended by Laws of Utah 2009, Chapter 387
17C-1-412, as last amended by Laws of Utah 2012, Chapter 212
17C-1-413, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-501, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-502, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-504, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-505, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-506, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-507, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-508, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-601, as last amended by Laws of Utah 2010, Chapter 90
17C-1-602, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-603, as last amended by Laws of Utah 2011, Chapter 43
17C-1-605, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-606, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-1-607, as enacted by Laws of Utah 2006, Chapter 359
17C-1-701, as last amended by Laws of Utah 2009, Chapter 350
17C-2-102, as last amended by Laws of Utah 2008, Chapter 125
17C-2-103, as last amended by Laws of Utah 2006, Chapters 254, 292 and renumbered and amended by Laws of Utah 2006, Chapter 359
17C-2-105, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-2-106, as last amended by Laws of Utah 2007, Chapter 364
17C-2-108, as last amended by Laws of Utah 2010, Chapter 279
17C-2-109, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-2-110, as last amended by Laws of Utah 2010, Chapter 279
17C-2-201, as last amended by Laws of Utah 2013, Chapter 80
17C-2-204, as renumbered and amended by Laws of Utah 2006, Chapter 359
17C-2-207, as enacted by Laws of Utah 2011, Chapter 43
17C-2-303, as last amended by Laws of Utah 2011, Chapter 43
17C-2-601, as last amended by Laws of Utah 2012, Chapter 235
17C-2-603, as enacted by Laws of Utah 2007, Chapter 379
17C-3-102, as enacted by Laws of Utah 2006, Chapter 359
17C-3-103, as enacted by Laws of Utah 2006, Chapter 359
17C-3-105, as enacted by Laws of Utah 2006, Chapter 359
17C-3-107, as last amended by Laws of Utah 2010, Chapter 279
17C-3-108, as enacted by Laws of Utah 2006, Chapter 359
17C-3-109, as last amended by Laws of Utah 2010, Chapter 279
17C-3-201, as last amended by Laws of Utah 2013, Chapter 80
17C-3-203, as last amended by Laws of Utah 2009, Chapter 387
17C-3-206, as enacted by Laws of Utah 2011, Chapter 43
17C-4-102, as enacted by Laws of Utah 2006, Chapter 359
17C-4-103, as enacted by Laws of Utah 2006, Chapter 359
17C-4-104, as enacted by Laws of Utah 2006, Chapter 359
17C-4-106, as last amended by Laws of Utah 2009, Chapter 388
17C-4-107, as enacted by Laws of Utah 2006, Chapter 359
17C-4-108, as last amended by Laws of Utah 2015, Chapter 302
17C-4-109, as enacted by Laws of Utah 2015, Chapter 302
17C-4-201, as last amended by Laws of Utah 2010, Chapter 279
17C-4-202, as last amended by Laws of Utah 2014, Chapter 189
17C-4-203, as last amended by Laws of Utah 2009, Chapter 387
17C-4-204, as last amended by Laws of Utah 2011, Chapter 43
59-2-924, as last amended by Laws of Utah 2014, Chapter 270

ENACTS:

17C-1-102.5, Utah Code Annotated 1953
17C-1-209, Utah Code Annotated 1953
17C-1-702, Utah Code Annotated 1953
17C-1-801, Utah Code Annotated 1953
17C-2-101.1, Utah Code Annotated 1953
17C-2-101.2, Utah Code Annotated 1953
17C-3-101.1, Utah Code Annotated 1953
17C-3-101.2, Utah Code Annotated 1953
17C-4-101.1, Utah Code Annotated 1953
17C-4-101.2, Utah Code Annotated 1953
17C-5-101, Utah Code Annotated 1953
17C-5-102, Utah Code Annotated 1953
17C-5-103, Utah Code Annotated 1953
17C-5-104, Utah Code Annotated 1953
17C-5-105, Utah Code Annotated 1953
17C-5-106, Utah Code Annotated 1953
17C-5-107, Utah Code Annotated 1953
17C-5-108, Utah Code Annotated 1953
17C-5-109, Utah Code Annotated 1953
17C-5-110, Utah Code Annotated 1953
17C-5-111, Utah Code Annotated 1953
17C-5-112, Utah Code Annotated 1953
17C-5-113, Utah Code Annotated 1953
17C-5-201, Utah Code Annotated 1953
17C-5-202, Utah Code Annotated 1953
17C-5-203, Utah Code Annotated 1953
17C-5-204, Utah Code Annotated 1953
17C-5-205, Utah Code Annotated 1953
17C-5-206, Utah Code Annotated 1953
17C-5-207, Utah Code Annotated 1953
17C-5-301, Utah Code Annotated 1953
17C-5-302, Utah Code Annotated 1953
17C-5-303, Utah Code Annotated 1953
17C-5-304, Utah Code Annotated 1953
17C-5-305, Utah Code Annotated 1953
17C-5-306, Utah Code Annotated 1953
17C-5-307, Utah Code Annotated 1953
17C-5-401, Utah Code Annotated 1953
17C-5-402, Utah Code Annotated 1953
17C-5-403, Utah Code Annotated 1953
17C-5-404, Utah Code Annotated 1953
17C-5-405, Utah Code Annotated 1953
17C-5-406, Utah Code Annotated 1953
17C-5-407, Utah Code Annotated 1953
17C-5-408, Utah Code Annotated 1953
17C-5-409, Utah Code Annotated 1953
17C-5-410, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

17C-1-802, (Renumbered from 17C-2-401, as renumbered and amended by Laws of Utah 2006, Chapter 359)
17C-1-803, (Renumbered from 17C-2-402, as renumbered and amended by Laws of Utah 2006, Chapter 359)
17C-1-804, (Renumbered from 17C-2-403, as last amended by Laws of Utah 2010, Chapter 90)
17C-1-805, (Renumbered from 17C-2-501, as renumbered and amended by Laws of Utah 2006, Chapter 359)
17C-1-806, (Renumbered from 17C-2-502, as last amended by Laws of Utah 2010, Chapter 279)
17C-1-807, (Renumbered from 17C-2-503, as last amended by Laws of Utah 2007, Chapter 379)
17C-1-808, (Renumbered from 17C-2-504, as renumbered and amended by Laws of Utah 2006, Chapter 359)
17C-1-809, (Renumbered from 17C-2-505, as renumbered and amended by Laws of Utah 2006, Chapter 359)
17C-2-101.5, (Renumbered from 17C-2-101, as renumbered and amended by Laws of Utah 2006, Chapter 359)
17C-3-101.5, (Renumbered from 17C-3-101, as enacted by Laws of Utah 2006, Chapter 359)
17C-4-101.5, (Renumbered from 17C-4-101, as enacted by Laws of Utah 2006,
REPEALS:

17C-1-303, as last amended by Laws of Utah 2010, Chapter 279
17C-3-301, as enacted by Laws of Utah 2006, Chapter 359
17C-3-302, as enacted by Laws of Utah 2006, Chapter 359
17C-3-303, as last amended by Laws of Utah 2009, Chapter 388
17C-3-401, as enacted by Laws of Utah 2006, Chapter 359
17C-3-402, as last amended by Laws of Utah 2010, Chapter 279
17C-3-403, as enacted by Laws of Utah 2006, Chapter 359
17C-3-404, as enacted by Laws of Utah 2006, Chapter 359
17C-4-301, as enacted by Laws of Utah 2006, Chapter 359
17C-4-302, as last amended by Laws of Utah 2010, Chapter 90
17C-4-401, as enacted by Laws of Utah 2006, Chapter 359
17C-4-402, as last amended by Laws of Utah 2010, Chapter 279

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

Section 1. Section 17C-1-101 is amended to read:

TITLE 17C. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES -
COMMUNITY REINVESTMENT AGENCY ACT

CHAPTER 1. AGENCY OPERATIONS

17C-1-101. Title.
(1) This title is known as the "Limited Purpose Local Government Entities -
Community Development and Renewal Agencies] Reinvestment Agency Act."
(2) This chapter is known as "Agency Operations."

Section 2. Section 17C-1-102 is amended to read:

17C-1-102. Definitions.
As used in this title:
(1) "Active project area" means a project area that has not been dissolved in accordance
with Section 17C-1-702.
[+][+][+][+][+]
(2) "Adjusted tax increment" means:
(a) for tax increment under a pre-July 1, 1993, project area plan, tax increment under Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

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

(c) for tax increment under a community reinvestment project area plan, tax increment under Section 17C-5-203.

[2] (3) "Affordable housing" means housing [to be] owned or occupied by [persons and families of low or moderate income] a low or moderate income individual or family, as determined by resolution of the agency.

[3] (4) "Agency" or "community [development and renewal] reinvestment agency" means a separate body corporate and politic, created under Section 17C-1-201 or as a redevelopment agency or community development and renewal agency under previous law;:

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

(b) that is created to undertake or promote [urban renewal, economic development, or community development, or any combination of them] project area development as provided in this title; and

(c) whose geographic boundaries are coterminous with:

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

[(b)] (ii) for an agency created by a [city or town] municipality, the boundaries of the [city or town] municipality.

(5) "Agency funds" means funds that an agency collects or receives for the purpose of implementing a project area plan, including:

(a) project area funds;

(b) income, proceeds, revenues, property, and project area funds of the agency derived from or held in connection with the agency's undertaking and carrying out of project area development; or

(c) a contribution, loan, grant, or other financial assistance from a public entity to assist with project area development.

[(4)] (6) "Annual income" [has the meaning as] means the same as that term is defined under regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as superseded by replacement regulations.
"Assessment roll" means the same as that term is defined in Section 59-2-102.

"Base taxable value" means:

(a) unless otherwise designated by the taxing entity committee in accordance with Subsection 17C-1-402(4)(b)(ix), for an urban renewal or economic development project area, the taxable value of the property within a project area from which tax increment will be collected, as shown upon the assessment roll last equalized before:

(i) for a pre-July 1, 1993, project area plan, the effective date of the project area plan;

(ii) for a post-June 30, 1993, project area plan:

(A) the date of the taxing entity committee's approval of the first project area budget;

or

(B) if no taxing entity committee approval is required for the project area budget, the later of:

(I) the date the project area plan is adopted by the community legislative body; and

(II) the date the agency adopts the first project area budget;

(iii) for a project on an inactive industrial site, a year after the date on which the inactive industrial site is sold for remediation and development; or

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

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

and

(B) the date on which the airport that had been operated on the inactive airport site ceased operations; and

(b) for a community development project area, the agreed value specified in a resolution or interlocal agreement under Subsection 17C-4-201(2);

(c) unless otherwise designated by the taxing entity committee in accordance with Subsection 17C-1-403(4)(b)(ix), for a community reinvestment project area that is subject to a taxing entity committee, the taxable value of the property within a project area from which tax increment will be collected, as shown upon the assessment roll last equalized before:

(i) the date of the taxing entity committee's approval of the first project area budget; or

(ii) if no taxing entity committee approval is required for the project area budget, the later of:
(A) the date the project area plan is adopted by the community legislative body; and
(B) the date the agency adopts the first project area budget; and
(d) for a community reinvestment project area that is subject to an interlocal agreement, the agreed value specified in the interlocal agreement under Section 17C-5-205.

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

[(8)] (10) "Blight" or "blighted" means the condition of an area that meets the requirements described in Subsection 17C-2-303(1) for an urban renewal project area or Section 17C-5-409 for community reinvestment project area.

[(9)] (11) "Blight hearing" means a public hearing regarding whether blight exists within a proposed:

(a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section 17C-2-302; or 
regarding the existence or nonexistence of blight within the proposed urban renewal project area.

(b) community reinvestment project area under 17C-5-408.

[(10)] (12) "Blight study" means a study to determine whether blight exists within a survey area as provided in Section 17C-2-301 for an urban renewal project area and Section 17C-5-407 for a community reinvestment project area.

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

[(12)] (14) "Budget hearing" means the public hearing on a proposed project area budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection 17C-5-202 for a community reinvestment project area budget.

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

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

[(15)] (17) "Community" means a county[., city, or town] or municipality.

[(16)] "Community development" means development activities within a community, including the encouragement, promotion, or provision of development.]

(18) "Community development project area plan" means a project area plan adopted under Chapter 4, Part 1, Community Development Project Area Plan.

(19) "Community reinvestment project area plan" means a project area plan adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

[(17)] (20) "Contest" means to file a written complaint in the district court of the county in which [the person filing the complaint resides] a parcel is located.

[(18)] "Economic development" means to promote the creation or retention of public or private jobs within the state through:

[(a) planning, design, development, construction, rehabilitation, business relocation, or any combination of these, within a community; and]

[(b) the provision of office, industrial, manufacturing, warehousing, distribution, parking, public, or other facilities, or other improvements that benefit the state or a community:]

(21) "Economic development project area plan" means a project area plan adopted under Chapter 2, Part 1, Economic Development Project Area Plan.

[(19)] (22) "Fair share ratio" means the ratio derived by:

(a) for a [city or town] municipality, comparing the percentage of all housing units within the [city or town] municipality that are publicly subsidized income targeted housing units to the percentage of all housing units within the whole county that are publicly subsidized income targeted housing units; or

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

[(20)] (23) "Family" [has the meaning as] means the same as that term is defined [under] in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by replacement regulations.
"Greenfield" means land not developed beyond agricultural, range, or forestry use.

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

"Housing funds" means the funds allocated in an urban renewal project area budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

"Housing allocation" means tax increment allocated for housing under Sections 17C-2-203 or 17C-3-202 for the purposes described in Section 17C-1-412.

"Inactive airport site" means land that:

(i) consists of at least 100 acres;

(ii) is occupied by an airport;

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

(Ba) that is scheduled to be decommissioned; and

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

(iii) requires remediation because:

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

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

(b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land described in Subsection (24)(a).

"Inactive industrial site" means land that:

(i) consists of at least 1,000 acres;

(ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial facility; and

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

(b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land described in Subsection (25)(a).

"Housing fund" means a fund created by an agency for purposes described in
Sections 17C-1-411 or 17C-1-412 that is comprised of:

(a) project area funds allocated under Section 17C-1-411; or

(b) an agency's housing allocation.

"Income targeted housing" means housing that is owned or occupied by an individual or a family whose annual income is at or below 80% of the median annual income for an individual or family within the county in which the housing is located.

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

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

"Marginal value" means the difference between actual taxable value and base taxable value.

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

"Municipal building" means a building owned and operated by a municipality for the purpose of providing one or more primary municipal functions, including:

(i) a fire station;
(ii) a police station;
(iii) a city hall; or
(iv) a court or other judicial building.

"Municipal building" does not include a building the primary purpose of which is cultural or recreational in nature.

"Municipality" means a city, town, or metro township as defined in Section 10-2a-403.

"Participant" means one or more person that enters into a participation agreement with an agency.

"Participation agreement" means a written agreement between a person and an agency that:
(a) includes a description of:

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

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

(B) any conditions under which a person may receive the described in this Subsection

(b) is approved by resolution of the board.

[(32)] (37) "Plan hearing" means the public hearing on a [draft] proposed project area plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan, [and] Subsection 17C-4-102(1)(d) for a community development project area plan, and Subsection 17C-5-104 for a community reinvestment project area plan.

[(33)] (38) "Post-June 30, 1993, project area plan" means a project area plan adopted on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to [its] adoption.

[(34)] (39) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July 1, 1993, whether or not amended subsequent to [its] adoption.

[(35)] (40) "Private," with respect to real property, means:

(a) not owned by [the United States or any agency of the federal government,] a public entity[;] or any other governmental entity; and

(b) not dedicated to public use.

[(36)] (41) "Project area" means the geographic area described in a project area plan [or draft project area plan where the urban renewal, economic development, or community development, as the case may be, set forth in the project area plan or draft project area plan takes place or is proposed to take place] within which the project area development described in the project area plan takes place or is proposed to take place.

[(37)] (42) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a [urban renewal or economic development] project area prepared in accordance with:

(a) for an urban renewal project area, Section 17C-2-202;

(b) for an economic development project area, Section 17C-3-202; or
(c) for a community reinvestment project area, Section 17C-5-302. [that includes:]

[(a) the base taxable value of property in the project area;]

[(b) the projected tax increment expected to be generated within the project area;]

[(c) the amount of tax increment expected to be shared with other taxing entities;]

[(d) the amount of tax increment expected to be used to implement the project area plan, including the estimated amount of tax increment to be used for land acquisition, public improvements, infrastructure improvements, and loans, grants, or other incentives to private and public entities;]

[(e) the tax increment expected to be used to cover the cost of administering the project area plan;]

[(f) if the area from which tax increment is to be collected is less than the entire project area:]

[(i) the tax identification numbers of the parcels from which tax increment will be collected; or]

[(ii) a legal description of the portion of the project area from which tax increment will be collected;]

[(g) for property that the agency owns and expects to sell, the expected total cost of the property to the agency and the expected selling price; and]

[(h)(i) for an urban renewal project area, the information required under Subsection 17C-2-201(1)(b); and]

[(ii) for an economic development project area, the information required under Subsection 17C-3-201(1)(b).]

(43) "Project area development" means activities within a project area that encourage, promote, or provide development or redevelopment for the purpose of implementing a project area plan, including:

(a) promoting, creating, or retaining public or private jobs within the state or a community, including business relocation;

(b) providing office, manufacturing, warehousing, distribution, parking, or other facilities or improvements;

(c) planning, designing, demolishing, clearing, constructing, rehabilitating, or remediating environmental issues, or any combination of these:
(d) providing residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to the structures or spaces;

(e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating existing structures;

(f) providing open space, including streets and other public grounds and space around buildings;

(g) providing public or private buildings, infrastructure, structures, and improvements;

(h) improving public or private recreation areas and other public grounds; or

(i) eliminating blight or the causes of blight;

(j) redevelopment as defined under the law in effect before May 1, 2006 or prior law;

or

(k) any activity described in Subsections (a) through (j) outside of a project area that provides a benefit to the project area.

(44) "Project area funds" means tax increment or sales and use tax revenue that an agency receives for project area development under a project area plan budget.

[(38)] (45) "Project area plan" means [a written plan under Chapter 2, Part 1, Urban Renewal Project Area Plan, Chapter 3, Part 1, Economic Development Project Area Plan, or Chapter 4, Part 1, Community Development Project Area Plan, as the case may be,] an urban renewal project area plan, an economic development project area plan, a community development project area plan, or a community reinvestment project area plan that, after [its] the project area plan's effective date, guides and controls the [urban renewal, economic development, or community development activities within a project area] project area development.

(46) "Property" means real property.

[(39)] (47) "Property tax" [includes] means a privilege tax and each levy on an ad valorem basis on tangible or intangible personal or real property.

[(40)] (48) "Public entity" means:

(a) the United States or an agency of the United States;

[(a)] (b) the state, including any of [its] the state's departments or agencies; or

[(b)] (c) a political subdivision of the state, including a county, city, town, metro township, school district, local district, special service district, or interlocal cooperation entity.
"Publicly owned infrastructure and improvements" means water, sewer, storm drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, and other facilities, infrastructure, and improvements benefitting the public and to be publicly owned or publicly maintained or operated.

"Record property owner" or "record owner of property" means the owner of real property as shown on the records of the recorder of the county in which the property is located and includes a purchaser under a real estate contract if the contract is recorded in the office of the recorder of the county in which the property is located or the purchaser gives written notice of the real estate contract to the agency.

"Sales and use tax revenue" means revenue generated from a tax imposed by a taxing entity under Title 59, Chapter 12, Sales and Use Tax Act.

"Superfund site":
(a) means an area included in the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and
(b) includes an area formerly included in the National Priorities List, as described in Subsection (52)(a), but removed from the list following remediation that leaves on site the waste that caused the area to be included in the National Priorities List.

"Survey area" means a geographic area designated by a survey area resolution for study to determine whether one or more project areas within the area are feasible.

"Survey area resolution" means a resolution adopted by a board under Subsection 17C-2-101(1)(a) designating a survey area.

"Taxable value" means the value of property as shown on the last equalized assessment roll as certified by the county assessor.

Except as provided in Subsection (56)(b), "tax increment" means the difference between:
(i) the amount of property tax revenue generated each tax year by all taxing entities from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property; and
(B) that are paid to the agency from funds from all of the tax levies used in establishing the certified tax rate in accordance with Section 59-2-924 of the taxing entity within which the agency is located, including funds that are restricted for a particular use by statute to the extent bond covenants are not impaired; and]

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

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

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

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

"Taxing entity" means a public entity that [levies] is authorized to:

(a) levy a tax on [a parcel or parcels of] property located within a [community] project area; or

(b) receive sales and use tax revenue under Title 59, Chapter 12, Sales and Use Tax Act.

"Taxing entity committee" means a committee representing the interests of taxing entities, created as provided in Section 17C-1-402.

"Unincorporated" means not within a [city or town] municipality.

"Urban renewal" means the development activities under a project area plan within an urban renewal project area, including:

(i) planning, design, development, demolition, clearance, construction, rehabilitation, environmental remediation, or any combination of these, of part or all of a project area;

(ii) the provision of residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to them;

(iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or any combination of these, existing structures in a project area;

(iv) providing open space, including streets and other public grounds and space around buildings;

(v) providing public or private buildings, infrastructure, structures, and improvements;
(vi) providing improvements of public or private recreation areas and other public grounds.

(b) "Urban renewal" means "redevelopment," as defined under the law in effect before May 1, 2006, if the context requires.

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

Section 3. Section 17C-1-102.5 is enacted to read:

17C-1-102.5. Project area created after May 10, 2016.

Beginning on May 10, 2016, an agency:

(1) may create a community reinvestment project area under Chapter 5, Community Reinvestment Project Areas; and

(2) may not create:

(a) an urban renewal project area under Chapter 2, Urban Renewal Project Areas;

(b) an economic development project area under Chapter 3, Economic Development Project Areas; or

(c) a community development project area under Chapter 4, Community Development Project Areas.

Section 4. Section 17C-1-103 is amended to read:

17C-1-103. Limitations on applicability of title -- Amendment of previously adopted project area plan.

(1) Except as provided in Subsection (3), nothing in this title may be construed to:

(a) impose a requirement or obligation on an agency, with respect to a project area plan adopted or an agency action taken, that was not imposed by the law in effect at the time the project area plan was adopted or the action taken;

(b) prohibit an agency from taking an action that:

(i) was allowed by the law in effect immediately before an applicable amendment to this title;

(ii) is permitted or required under the project area plan adopted before the amendment; and
(iii) is not explicitly prohibited under this title;
(c) revive any right to challenge any action of the agency that had already expired; or
(d) require a project area plan to contain a provision that was not required by the law in
effect at the time the project area plan was adopted.

(2) (a) A project area plan adopted before an amendment to this title becomes effective
may be amended as provided in this title.
(b) Unless explicitly prohibited by this title, an amendment under Subsection (2)(a)
may include a provision that is allowed under this title but that was not required or allowed by
the law in effect before the applicable amendment.

(3) An agency shall prepare and submit an annual report in accordance with Section
17C-1-603.

Section 5. Section 17C-1-201 is amended to read:

17C-1-201. Creation of agency -- Name change.
(1) A community may, by ordinance adopted by its legislative body,
approve the creation of a community [development and renewal] reinvestment agency.

(2) (a) The community legislative body shall:
(i) after adopting an ordinance under Subsection (1), file with the lieutenant governor a
copy of a notice, subject to Subsection (2)(b), of an impending boundary action, as defined in
Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
(ii) upon the lieutenant governor's issuance of a certificate of creation under Section
67-1a-6.5, submit to the recorder of the county in which the agency is located:
(A) the original notice of an impending boundary action;
(B) the original certificate of creation; and
(C) a certified copy of the ordinance approving the creation of the community
[development and renewal] reinvestment agency.

(b) The notice required under Subsection (2)(a)(i) shall state that the agency's
boundaries are, and shall always be, coterminous with the boundaries of the community that
created the agency.

(c) Upon the lieutenant governor's issuance of the certificate of creation under Section
67-1a-6.5, the agency is created and incorporated.

(d) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the
recorder of the county in which the [property] agency is located, an agency may not receive or spend [tax increment] project area funds.

(3) (a) An agency may approve a change in [its] the agency's name, whether to indicate it is a community [development and renewal] reinvestment agency or otherwise, by:
   (i) adopting a resolution approving a name change; and
   (ii) filing with the lieutenant governor a copy of a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).

(b) (i) Upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7, the agency shall file with the recorder of the county in which the agency is located:
   (A) the original notice of an impending name change;
   (B) the original certificate of name change; and
   (C) a certified copy of the resolution approving a name change.
   (ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the county recorder, the agency may not operate under the new name.

Section 6. Section 17C-1-202 is amended to read:

17C-1-202. Agency powers.

(1) [A community development and renewal] An agency may:

(a) sue and be sued;

(b) enter into contracts generally;

(c) buy, obtain an option upon, or otherwise acquire any interest in real or personal property;

(d) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or personal property;

(e) enter into a lease agreement on real or personal property, either as lessee or lessor;

(f) provide for [urban renewal, economic development, and community] project area development as provided in this title;

(g) receive [tax increment] and use agency funds as provided in this title;

(h) if disposing of or leasing land, retain controls or establish restrictions and covenants running with the land consistent with the project area plan;
(i) accept financial or other assistance from any public or private source for the agency's activities, powers, and duties, and expend any funds [so received for any of the purposes of] the agency receives for any purpose described in this title;

(j) borrow money or accept financial or other assistance from [the federal government,] a public entity, or any other source for any of the purposes of this title and comply with any conditions of [the] any loan or assistance;

(k) issue bonds to finance the undertaking of any [urban renewal, economic development, or community project area development or for any of the agency's other purposes, including:

   (i) reimbursing an advance made by the agency or by a public entity [or the federal government] to the agency;

   (ii) refunding bonds to pay or retire bonds previously issued by the agency; and

   (iii) refunding bonds to pay or retire bonds previously issued by the community that created the agency for expenses associated with [an urban renewal, economic development, or community development project; and] project area development;

   (l) pay an impact fee, exaction, or other fee imposed by a community for the purpose of developing land; or

   (m) transact other business and exercise all other powers provided for in this title.

(2) The establishment of controls or restrictions and covenants under Subsection (1)(h) is a public purpose.

Section 7. Section 17C-1-203 is amended to read:

17C-1-203. Agency board -- Quorum.

(1) The governing body of an agency is a board consisting of the current members of the legislative body of the community that created the agency.

(2) A majority of board members constitutes a quorum for the transaction of agency business.

(3) [An agency] A board may not adopt a resolution, pass a motion, or take any other official board action without the concurrence of at least a majority of the board members present at a meeting at which a quorum is present.

(4) (a) The mayor or the mayor's designee of a municipality operating under a council-mayor form of government, as defined in Section 10-3b-102:
[a] (i) serves as the executive director of an agency created by the municipality; and

[b] (ii) exercises the agency's executive powers.

(b) The county executive or the county executive's designee of a county operating under a county executive-council form of government, as described in Section 17-41-504:

(i) serves as the executive director of an agency created by the county; and

(ii) exercises the agency's executive powers.

Section 8. Section 17C-1-204 is amended to read:

17C-1-204. Project area development by an adjoining agency -- Requirements.

(1) An agency or community may, by resolution of its board or legislative body,

respectively, authorize an agency to conduct urban renewal, economic development, or community development activities in a project area that includes an area within the authorizing agency's boundaries or within the boundaries of the authorizing community if the project area or community is contiguous to the boundaries of the other agency.

(2) If an agency board or community legislative body adopts a resolution under Subsection (1) authorizing another agency to undertake urban renewal, economic development, or community development activities in the authorizing agency's project area or within the boundaries of the authorizing community:

(a) A community that has not created an agency and has an agency located within the same county as the community may enter into an interlocal agreement that authorizes the agency to exercise all powers granted under this title within the community.

(b) The agency and the community shall adopt an interlocal agreement described in Subsection (1)(a) by resolution.

(2) If an agency and a community enter into an interlocal agreement under Subsection (1):

(a) the agency may act in all respects as if the project area were within the community; and

(b) the board of the agency has all the rights, powers, and privileges with respect to the project area within the community as if it were within the agency's boundaries; and

(c) the agency may be paid project area funds to the same extent as if the project area were within the agency's boundaries.
(3) Each project area plan approved by the [other] agency for [the] a project area within
the community that is the subject of [a resolution] an interlocal agreement under Subsection (1)
shall be adopted by ordinance of the legislative body of the community in which the project
area is located.

(4) If an agency's project area abuts another agency's project area, the agency may
coordinate with the other agency in order to assist and cooperate in the planning, undertaking,
construction, or operation of project area development located within the other agency's project
area.

[(4)] (5) (a) As used in this Subsection [(4)] (5):

(i) "County agency" means an agency that was created by a county.

(ii) "Industrial property" means private real property:

(A) over half of which is located within the boundary of a town, as defined in Section
10-1-104; and

(B) comprises some or all of an inactive industrial site.

(iii) "Perimeter portion" means the portion of an inactive industrial site that is:

(A) part of the inactive industrial site because it lies within the perimeter described in
Subsection 17C-1-102[(24)(b)]; and

(B) located within the boundary of a city, as defined in Section 10-1-104.

(b) (i) Subject to Subsection [(4)] (5)(b)(ii), a county agency may undertake [urban
renewal, economic development, or community] project area development on industrial
property if the record property owner of the industrial property submits a written request to the
county agency to do so.

(ii) A county agency may not include a perimeter portion within a project area without
the approval of the city in which the perimeter portion is located.

(c) If a county agency undertakes [urban renewal, economic development, or
community] project area development on industrial property:

(i) the county agency may act in all respects as if the project area that includes the
industrial property were within the county agency's boundary;

(ii) the board of the county agency has each right, power, and privilege with respect to
the project area as if the project area were within the county agency's boundary; and

(iii) the county agency may be paid [tax increment] project area funds to the same
extent as if the project area were within the county agency's boundary.

(d) A project area plan for a project on industrial property that is approved by the county agency shall be adopted by ordinance of the legislative body of the county in which the project area is located.

Section 9. Section 17C-1-205 is amended to read:

17C-1-205. Transfer of project area from one community to another.

(1) [For purposes of] As used in this section:

(a) "New agency" means the agency created by the new community.

(b) "New community" means the community in which the relocated project area is located after the change in community boundaries takes place.

(c) "Original agency" means the agency created by the original community.

(d) "Original community" means the community that adopted the project area plan that created the project area that has been relocated.

(e) "Relocated" means that a project area under a project area plan adopted by the original community has ceased to be located within that community and has become part of a new community because of a change in community boundaries through:

(i) a county or municipal annexation;

(ii) the creation of a new county;

(iii) a municipal incorporation, consolidation, dissolution, or boundary adjustment; or

(iv) any other action resulting in a change in community boundaries.

(2) If a project area under a project area plan adopted by a community becomes relocated, the project area shall, for purposes of this title, be considered to remain in the original community until:

(a) the new community has created an agency; (b) the original agency has transferred or assigned] the original agency and the new agency enter into an interlocal agreement adopted by resolution of the original agency's and new agency's legislative body that authorizes the original agency to transfer or assign to the new agency the original agency's real property, rights, indebtedness, obligations, tax increment, and other assets and liabilities [related to] resulting from the relocated project area;

(c) the new agency by resolution approves the original agency's project area plan as the project area plan of the new agency; and]

(d) the new community by ordinance adopts the project area plan that was approved
by the new agency.

Section 10. Section 17C-1-206 is amended to read:

17C-1-206. Use of eminent domain prohibited -- Exception.

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

(2) An agency may use eminent domain to acquire:

(a) any interest in property within an urban renewal project area, subject to Chapter 2, Part 6, Eminent Domain in an Urban Renewal Project Area; [and]

(b) any interest in property within a community reinvestment project area that is subject to a taxing entity committee as provided in Chapter 5, Part 4, Eminent Domain in a Community Reinvestment Project Area; and

(c) any interest in property that is owned by a board member or officer and located within a project area, if the board member or officer consents.

Section 11. Section 17C-1-207 is amended to read:

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

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

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

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

(B) community, educational, water, sewer, or drainage facilities; or

(C) any other works which the public entity is otherwise empowered to undertake;

(ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places;

(iii) in any part of the project area:

(A) (I) plan or replan any property within the project area;

(II) plat or replat any property within the project area;

(III) vacate a plat;

(IV) amend a plat; or

(V) zone or rezone any property within the project area; and

(B) make any legal exceptions from building regulations and ordinances;
(iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
eight rights of any holder of the bonds;
(v) enter into an agreement with another public entity concerning action to be taken
pursuant to any of the powers granted in this title;
(vi) do [any and all things] anything necessary to aid or cooperate in the planning or
carrying out of the [urban renewal, economic development, or community] project area
development;
(vii) in connection with the project area plan, become obligated to the extent
authorized and funds have been made available to make required improvements or construct
required structures; and
(viii) lend, grant, or contribute funds to an agency for an [urban renewal, economic
development, or community development project] project area development; and
(b) 15 days after posting public notice:
(i) purchase or otherwise acquire property or lease property from [an] the agency; or
(ii) sell, grant, convey, or otherwise dispose of the public entity's property or lease the
public entity's property to [an] the agency.
(2) Notwithstanding any law to the contrary, an agreement under Subsection (1)(a)(v)
may extend over any period.
(3) A grant or contribution of funds from a public entity to an agency, or from an
agency under a project area plan or project area budget, is not subject to the requirements of
Section 10-8-2.
Section 12. Section 17C-1-208 is amended to read:
17C-1-208. Agency funds.
(1) Agency funds shall be accounted for separately from the funds of the community
that created the agency.
(2) An agency may accumulate retained earnings or fund balances, as appropriate, in
any fund.
Section 13. Section 17C-1-209 is enacted to read:
17C-1-209. Agency records.
An agency shall maintain minutes, resolutions, and other records separate from those of
the community that created the agency.
Section 14. Section 17C-1-301 is amended to read:

17C-1-301. Agency property exempt from taxation -- Exception.

(1) Agency property acquired or held for purposes of this title is [declared to be] public property used for essential public and governmental purposes and, subject to Subsection (2), is exempt from all taxes of a [public] taxing entity.

(2) The exemption in Subsection (1) does not apply to property that the agency leases to a lessee that is not entitled to a tax exemption with respect to the property.

Section 15. Section 17C-1-302 is amended to read:

17C-1-302. Agency property exempt from levy and execution sale -- Judgment against community or agency.

(1) (a) (i) All agency property, including funds the agency owns or holds for purposes of this title, is exempt from levy and execution sale, and no execution or judicial process may issue against [agency] the property.

(ii) A judgment against an agency may not be a charge or lien upon agency property.

(b) Subsection (1)(a) does not apply to or limit the right of [obligees] an obligee to pursue any [remedies] remedy for the enforcement of any pledge or lien given by an agency on [its] the agency's funds or revenues.

(2) A judgment against the community that created the agency may not be a charge or lien upon agency property.

(3) A judgment against an agency may not be a charge or lien upon property of the community that created the agency.

Section 16. Section 17C-1-401 is amended to read:

17C-1-401. Agency receipt and use of project area funds -- Distribution of project area funds.

(1) (a) An agency may receive and use [tax increment and sales tax] project area funds, as provided in this part.

(b) The applicable length of time or number of years for which an agency is to be paid [tax increment or sales tax] project area funds under this part shall be measured:

(i) for a pre-July 1, 1993, project area plan, from the first tax year regarding which the agency accepts tax increment from the project area;

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

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(A) with respect to tax increment, from the first tax year for which the agency receives
tax increment under the project area budget; or
(B) with respect to sales and use tax revenue, as indicated in the interlocal agreement
between the agency and the taxing entity that established the agency's right to receive sales
tax; or
(iii) for a community development project area plan, as indicated in the resolution or
interlocal agreement of a taxing entity that establishes the agency's right to receive project area funds;
(iv) for a community reinvestment project area plan that is subject to a taxing entity committee:
(A) with respect to tax increment, from the first tax year for which the agency receives
tax increment under the project area budget; or
(B) with respect to sales and use tax revenue, as indicated in the interlocal agreement
between the agency and the taxing entity that authorizes the agency to receive the taxing
tax entity's sales and use tax revenue; or
(v) for a community reinvestment project area plan that is subject to an interlocal agreement, as described in the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive the taxing entity's project area funds.
(b) Unless otherwise provided in a project area budget that is approved by a taxing entity committee, or in an interlocal agreement or resolution adopted by a taxing entity, tax increment may not be paid to an agency for a tax year prior to before the tax year following:
i) for an urban renewal or economic development project area plan, or community reinvestment project area plan that is subject to a taxing entity committee,
the effective date of the project area plan; and
(ii) for a community development project area plan or community reinvestment project area plan that is subject to an interlocal agreement plan, the effective date of the interlocal agreement that establishes the agency's right to receive tax increment.
(3) With respect to a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement:
(a) a taxing entity or public entity may, by resolution or through interlocal
agreement, authorize an agency to be paid any or all of [that taxing entity or public entity's] the
taxing entity's tax increment or sales and use tax revenue for any period of time; and
(b) the resolution or interlocal agreement authorizing the agency to be paid [tax
increment or sales tax] project area funds shall specify:
(i) the base taxable value of the project area; and
(ii) the method of calculating the amount of [tax increment or sales tax] project area
funds to be paid to the agency.
(4) (a) (i) The boundaries of one project area may overlap and include the boundaries
of an existing project area.
(ii) If a taxing entity committee is required to approve the project area budget of an
overlapping project area described in Subsection (4)(a)(i), the agency shall, before the first
meeting of the taxing entity committee at which the project area budget will be considered,
inform each taxing entity of the location of the overlapping boundaries.
(b) (i) Before an agency may collect tax increment from the newly created overlapping
portion of a project area, the agency shall inform the county auditor regarding the respective
amount of tax increment that the agency is authorized to receive from the overlapping portion
of each of the project areas.
(ii) The combined amount of tax increment described in Subsection (4)(b)(i) may not
exceed 100% of the tax increment generated from a property located within the overlapping
boundaries.
(c) Nothing in this Subsection (4) [shall give] gives an agency a right to collect or
receive [tax increment or sales tax] project area funds that [an] the agency is not otherwise
entitled to collect under this title.
(d) The collection of [tax increment or sales tax] project area funds from an
overlapping project area described in Subsection (4)(a) does not affect in any way an agency's
use of [tax increment or sales tax] project area funds within the other overlapping project area.
(5) With the written consent of a taxing entity, an agency may be paid tax increment,
from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time,
or both, than otherwise authorized under this title.
(6) (a) Subject to Section 17C-1-407, an agency is entitled to receive tax increment as
authorized by:
(i) for a pre-July 1, 1993, project area plan, Section 17C-1-403;
(ii) for a post-June 30, 1993, project area plan:
(A) Section 17C-1-404 under a project area budget adopted by the agency in accordance with this title;
(B) a project area budget approved by the taxing entity committee and adopted by the agency in accordance with this title; or
(C) Section 17C-1-406; or
(iii) a resolution or interlocal agreement entered into under Section 17C-2-207, 17C-3-206, 17C-4-201, or 17C-4-202[.];
(iv) for a community reinvestment project area plan that is subject to a taxing entity committee, a project area budget approved by the taxing entity committee and adopted by the agency in accordance with this title; or
(v) for a community reinvestment project area plan that is subject to an interlocal agreement, an interlocal agreement entered into under Section 17C-5-205.
(b) A county that collects property tax on property located within a project area shall pay and distribute any tax increment:
(i) to an agency that the agency is entitled to collect; and
(ii) in accordance with Section 59-2-1365.

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

17C-1-402. Taxing entity committee.
[(1) Each agency that adopts or proposes to adopt a post-June 30, 1993, urban renewal or economic development project area plan shall, and any other agency may, cause a taxing entity committee to be created:]

(1) The provisions of this section apply to a taxing entity committee that is created by an agency for:
(a) a post-June 30, 1993, urban renewal project area plan or economic development project area plan;
(b) any other project area plan adopted before May 10, 2016 for which the agency elected to create a taxing entity committee; and
(c) a community reinvestment area that is subject to a taxing entity committee.

(2) (a) (i) Each taxing entity committee shall be composed of:
(A) two school district representatives appointed [as provided in] in accordance with Subsection (2)(a)(ii);

(B) (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives appointed by resolution of the legislative body of the county in which the agency is located; or (II) in a county of the first class, one representative appointed by the county executive and one representative appointed by the legislative body of the county in which the agency is located;

(C) if the agency was created by a city or town municipality, two representatives appointed by resolution of the legislative body of that city or town municipality;

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

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

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

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

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

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

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

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

(d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether an initial appointment or an appointment to replace an already serving representative, the appointing authority shall:
(A) notify the agency in writing of the name and address of the newly appointed
representative; and

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

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

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

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

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

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

(i) an urban renewal project area plan; [or]

(ii) an economic development project area plan; or

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

(b) A taxing entity committee may:

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

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

(iii) approve or disapprove:

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

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

(C) a community reinvestment project area budget that is subject to a taxing entity
committee as described in Section 17C-5-306;

(iv) approve or disapprove amendments to a project area budget as described in:

(A) Section 17C-2-206 for an urban renewal project area budget; [or]

(B) Section 17C-3-205 for an economic development project area budget; or
(C) Section 17C-5-308 for a community reinvestment area budget;
(v) approve exceptions to the limits on the value and size of a project area imposed under this title;
(vi) approve:
(A) exceptions to the percentage of tax increment to be paid to the agency;
(B) the period of time that tax increment is to be paid to the agency; and
(C) exceptions to the requirement for an urban renewal [or] project area, economic development project area, or community reinvestment project area budget to include a maximum cumulative dollar amount of tax increment that the agency may receive;
(vii) approve the use of tax increment for publicly owned infrastructure and improvements outside of [an urban renewal or economic development] a project area that the agency and community legislative body determine to be of benefit to the [urban renewal or economic development] project area, as provided in Subsection 17C-1-409(1)(a)(iii)(D);
(viii) waive the restrictions imposed by Subsection 17C-2-202(1);
(ix) subject to Subsection (4)(c), designate [in an approved urban renewal or economic development project area budget] the base taxable value for [that] a project area budget; and
(x) give other taxing entity committee approval or consent required or allowed under this title.
(c) The base year used for calculation of the base taxable value in Subsection (4)(b)(ix) may not be a year that is earlier than the year during which the project area plan became effective.
(5) A quorum of a taxing entity committee consists of:
(a) if the project area is located within a [city or town] municipality, five members; or
(b) if the project area is not located within a [city or town] municipality, four members.
(6) Taxing entity committee approval, consent, or other action requires:
(a) the affirmative vote of a majority of all members present at a taxing entity committee meeting at which a quorum is present; and
(ii) considering an action relating to a project area budget for, or approval of a finding of blight within, a project area or proposed project area that contains:
(A) an inactive industrial site;
(B) an inactive airport site; or
[(C) a closed military base; or] 

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

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

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

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

(ii) if not previously provided and if [they] the documents exist and are to be 
considered at the meeting:

(A) the project area plan or proposed plan; 

(B) the project area budget or proposed budget; 

(C) the analysis required under Subsection 17C-2-103(2) or 17C-3-103(2), or 

17C-5-105(2); 

(D) the blight study; 

(E) the agency's resolution making a finding of blight under Subsection 
17C-2-102(1)(a) (ii)(B) or Subsection 17C-5-406(1)(d)(ii); and 

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

(c) (i) An agency may not schedule a taxing entity committee meeting [to meet] on a 
day on which the Legislature is in session.

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

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

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

(9) (a) Except as provided in Subsection (9)(b), each taxing entity committee shall
meet at least annually during the time that the agency receives tax increment under an urban renewal [or] community reinvestment project area budget in order to review the status of the project area.

(b) A taxing entity committee is not required under [Subsection (9)(a)] to meet in accordance with Subsection (9)(a) if the agency [submits] prepares and distributes on or before November 1 of each year [to the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the agency collects tax increment, a report containing the following:] a report as described in Section 17C-1-604.

[(i) an assessment of growth of incremental values for each active project area, including:]

[(A) the base year assessed value;]
[(B) the prior year's assessed value;]
[(C) the estimated current year assessed value for the project area; and]
[(D) a narrative description of the relative growth in assessed value within the project area;]

[(ii) a description of the amount of tax increment received by the agency and passed through to other taxing entities from each active project area; including:]

[(A) a comparison of the original forecasted amount of tax increment to actual receipts;]
[(B) a narrative discussion regarding the use of tax increment; and]
[(C) a description of the benefits derived by the taxing entities;]

[(iii) a description of activity within each active project area, including:]

[(A) a narrative of any significant development activity, including infrastructure development, site development, and vertical construction within the project area; and]
[(B) a narrative discussion regarding the status of any agreements for development within the project area;]
[(iv) a revised multi-year tax increment budget related to each active project area, including:]

[(A) the prior year's tax increment receipts;]
[(B) the base year value and adjusted base year value, as applicable;]
[(C) the applicable tax rates within the project area; and]
[(D) a description of private and public investment within the project area;]

[(v) an estimate of the tax increment to be paid to the agency for the calendar years ending December 31 and beginning the next January 1; and]

[(vi) any other project highlights included by the agency.]

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

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

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

(b) maintained by the agency in accordance with Section 17C-1-210.

[(H)] (12) Each time a school district representative or a representative of the State Board of Education votes as a member of a taxing entity committee to allow an agency to be paid tax increment or to increase the amount or length of time that an agency may be paid tax increment, that representative shall, within 45 days after the vote, provide to the representative's respective school board an explanation in writing of the representative's vote and the reasons for the vote.

[(I2)] (13) (a) The auditor of each county in which [the] an agency is located shall provide a written report to the taxing entity committee stating, with respect to property within each [urban renewal and economic development] project area:

(i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408;

and

(ii) the assessed value.

(b) With respect to the information required under Subsection [(I2)] (13)(a), the auditor shall provide:

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

(ii) estimated amounts for each year beginning the year after the time of the report and ending the time that the agency expects no longer to be paid tax increment from property within the [urban renewal and economic development] project area.

(c) The auditor of the county in which the agency is located shall provide a report under this Subsection [(I2)] (13):

(i) at least annually; and
upon request of the taxing entity committee, before a taxing entity committee meeting at which the committee will consider whether to allow the agency to be paid tax increment or to increase the amount of tax increment that the agency may be paid or the length of time that the agency may be paid tax increment.

This section does not apply to:

(a) a community development project area plan; or

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

A taxing entity committee resolution, whether adopted before, on, or after May 10, 2011, approving a blight finding, approving a project area budget, or approving an amendment to a project area budget:

(i) is final; and

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

The provisions of Subsection (15)(a) apply regardless of when the resolution is adopted.

Section 18. Section 17C-1-403 is amended to read:

17C-1-403. Tax increment under a pre-July 1, 1993, project area plan.

(1) Notwithstanding any other provision of law, this section applies retroactively to tax increment under all pre-July 1, 1993, project area plans, regardless of when the applicable project area was created or the applicable project area plan was adopted.

(2) (a) Beginning with the first tax year after April 1, 1983 for which an agency accepts tax increment, an agency is entitled to be paid:

(i) (A) for the first through the fifth tax years, 100% of tax increment;

(B) for the sixth through the tenth tax years, 80% of tax increment;

(C) for the eleventh through the fifteenth tax years, 75% of tax increment;

(D) for the sixteenth through the twentieth tax years, 70% of tax increment; and

(E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or

(ii) for an agency that has caused a taxing entity committee to be created under Subsection 17C-1-402(1)(a), any percentage of tax increment up to 100% and for any length of time that the taxing entity committee approves.
(b) Notwithstanding any other provision of this section:

(i) an agency is entitled to be paid 100% of tax increment from a project area for 32 years after April 1, 1983 to pay principal and interest on agency indebtedness incurred before April 1, 1983, even though the size of the project area from which tax increment is paid to the agency exceeds 100 acres of privately owned property under a project area plan adopted on or before April 1, 1983; and

(ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983 may be refinanced and paid from 100% of tax increment if the principal amount of the debt is not increased in the refinancing.

(3) (a) For purposes of this Subsection (3), "additional tax increment" means the difference between 100% of tax increment for a tax year and the amount of tax increment an agency is paid for that tax year under the percentages and time periods specified in Subsection (2)(a).

(b) Notwithstanding the tax increment percentages and time periods in Subsection (2)(a), an agency is entitled to be paid additional tax increment for a period ending 32 years after the first tax year after April 1, 1983, for which the agency receives tax increment from the project area if:

(i) (A) the additional tax increment is used solely to pay all or part of the value of the land for and the cost of the installation and construction of a publicly or privately owned convention center or sports complex or any building, facility, structure, or other improvement related to the convention center or sports complex, including parking and infrastructure improvements;

(B) construction of the convention center or sports complex or related building, facility, structure, or other improvement is commenced on or before June 30, 2002;

(C) the additional tax increment is pledged to pay all or part of the value of the land for and the cost of the installation and construction of the convention center or sports complex or related building, facility, structure, or other improvement; and

(D) the [agency] board and the community legislative body have determined by resolution that the convention center or sports complex is:

(I) within and a benefit to a project area;

(II) not within but still a benefit to a project area; or
within a project area in which substantially all of the land is publicly owned and a
benefit to the community; or
(ii) (A) the additional tax increment is used to pay some or all of the cost of the land
for and installation and construction of a recreational facility, as defined in Section 59-12-702,
or a cultural facility, including parking and infrastructure improvements related to the
recreational or cultural facility, whether or not the facility is located within a project area;
(B) construction of the recreational or cultural facility is commenced on or before
December 31, 2005; and
(C) the additional tax increment is pledged on or before July 1, 2005, to pay all or part
of the cost of the land for and the installation and construction of the recreational or cultural
facility, including parking and infrastructure improvements related to the recreational or
cultural facility.
(c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without [its] the
school district's consent, be paid less tax increment because of application of Subsection
(3)(b)(ii) than it would have been paid without that subsection.
(4) Notwithstanding any other provision of this section, an agency may use tax
increment received under Subsection (2) for any of the uses indicated in Subsection (3).
Section 19. Section 17C-1-404 is amended to read:

17C-1-404. Tax increment under a post-June 30, 1993 project area plan.
(1) This section applies to tax increment under a post-June 30, 1993 project area plan
adopted before May 1, 2006, only.
(2) [An agency] A board may provide in the project area budget for the agency to be
paid:
(a) if 20% of the project area budget is allocated for housing under Section 17C-2-203:
(i) 100% of annual tax increment for 15 years;
(ii) 75% of annual tax increment for 24 years; or
(iii) if approved by the taxing entity committee, any percentage of tax increment up to
100%, or any specified dollar amount, for any period of time; or
(b) if 20% of the project area budget is not allocated for housing under Section
17C-2-203:
(i) 100% of annual tax increment for 12 years;
(ii) 75% of annual tax increment for 20 years; or
(iii) if approved by the taxing entity committee, any percentage of tax increment up to 100%, or any specified dollar amount, for any period of time.

Section 20. Section 17C-1-405 is amended to read:

17C-1-405. Tax increment under a project area plan adopted on or after May 1, 2006.

(1) This section applies to tax increment under a project area plan adopted on or after May 1, 2006.

(2) Subject to the approval of the taxing entity committee, a board may provide in the urban renewal or economic development project area budget for the agency to be paid:

(a) for an urban renewal project area plan that proposes development of an inactive industrial site or inactive airport site, at least 60% of tax increment for at least 20 years; or
(b) for each other project, any percentage of tax increment up to 100% or any specified dollar amount of tax increment for any period of time.

(3) A resolution or interlocal agreement relating to an agency's use of tax increment for a community development project area plan may provide for the agency to be paid any percentage of tax increment up to 100% or any specified dollar amount of tax increment for any period of time.

Section 21. Section 17C-1-406 is amended to read:

17C-1-406. Additional tax increment under certain post-June 30, 1993 project area plans.

(1) This section applies to a post-June 30, 1993 project area plan adopted before May 1, 2006.

(2) An agency may, without the approval of the taxing entity committee, elect to be paid 100% of annual tax increment for each year beyond the periods specified in Subsection 17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment under Subsection 17C-1-404(2), if:

(a) for an agency in a city in which is located all or a portion of an interchange on I-15 or that would directly benefit from an interchange on I-15:

(i) the tax increment paid to the agency during the additional years is used to pay some
or all of the cost of the installation, construction, or reconstruction of:

(A) an interchange on I-15, whether or not the interchange is located within a project area; or

(B) frontage and other roads connecting to the interchange, as determined by the Department of Transportation created under Section 72-1-201 and the Transportation Commission created under Section 72-1-301, whether or not the frontage or other road is located within a project area; and

(ii) the installation, construction, or reconstruction of the interchange or frontage and other roads has begun on or before June 30, 2002; or

(b) for an agency in a city of the first or second class:

(i) the tax increment paid to the agency during the additional years is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility, whether or not the facility is located within a project area; and

(ii) the installation or construction of the recreational or cultural facility has begun on or before June 30, 2002.

(3) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.

(4) Notwithstanding Subsection (2), a school district may not, without [its] the school district's consent, receive less tax increment because of application of Subsection (2) than it would have received without that subsection.

Section 22. Section 17C-1-407 is amended to read:

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

(1) (a) If the [development of retail sales of goods is the primary objective of an urban renewal project area, tax increment from the] land dedicated to retail sales under a project area plan exceeds 75% of the project area's gross land area, tax increment may not be paid to or used by an agency unless a finding of blight is made under:

(i) for an urban renewal project area [may not be paid to or used by an agency unless a finding of blight is made under], Chapter 2, Part 3, Blight Determination in Urban Renewal Project Areas[-]; or
(ii) for a community reinvestment project area that is subject to a taxing entity committee, Chapter 5, Part 4, Eminent Domain in Community Reinvestment Project Areas.

(b) [Development of retail sales of goods] Dedicating land to retail sales does not disqualify an agency from receiving tax increment.

(c) After July 1, 2005, an agency may not be paid or use tax increment generated from the development of retail sales [of goods], unless the tax increment was previously pledged to pay for bonds or other contractual obligations of the agency.

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

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

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

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

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

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

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

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

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

Section 23. Section 17C-1-408 is amended to read:

17C-1-408. Base taxable value to be adjusted to reflect other changes.

(1) (a) (i) As used in this Subsection (1), "qualifying decrease" means:

(A) a decrease of more than 20% from the previous tax year's levy; or

(B) a cumulative decrease over a consecutive five-year period of more than 100% from

the levy in effect at the beginning of the five-year period.

(ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the

fifth year of the five-year period.

(b) If there is a qualifying decrease in the minimum basic school levy under Section

59-2-902 that would result in a reduction of the amount of tax increment to be paid to an

agency:

(i) the base taxable value of taxable property within the project area shall be reduced in

the year of the qualifying decrease to the extent necessary, even if below zero, to provide the

agency with approximately the same amount of tax increment that would have been paid to the

agency each year had the qualifying decrease not occurred; and

(ii) the amount of tax increment paid to the agency each year for the payment of bonds

and indebtedness may not be less than what would have been paid to the agency if there had

been no qualifying decrease.

(2) (a) The amount of the base taxable value to be used in determining tax increment

shall be:

(i) increased or decreased by the amount of an increase or decrease that results from:

(A) a statute enacted by the Legislature or by the people through an initiative;

(B) a judicial decision;

(C) an order from the State Tax Commission to a county to adjust or factor [its] the

county's assessment rate under Subsection 59-2-704(2);

(D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or

Section 59-2-103; or

(E) an increase or decrease in the percentage of fair market value, as defined under

Section 59-2-102; and
(ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:

(A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924.2(2) or (3)(a);

(B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and

(C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.

(b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (2)(a).

Section 24. Section 17C-1-409 is amended to read:

17C-1-409. Allowable uses of project area funds.

(1) (a) An agency may use [tax increment and sales tax proceeds] project area funds received from a taxing entity:

(i) for any [of the purposes] purpose for which the use of [tax increment] project area funds is authorized under this title;

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

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

(A) [urban renewal activities] project area development in the project area from which the [tax increment] project area funds are collected, including environmental remediation activities occurring before or after adoption of the project area plan;

[(B) economic development or community development activities, including environmental remediation activities occurring before or after adoption of the project area plan;]

[(C)] (B) housing expenditures, projects, or programs as provided in Section 17C-1-411 or 17C-1-412;
(C) an incentive or other consideration to a participant under a participation agreement;

(D) subject to Subsections (1)(e)(b) and (f)(5), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the tax increment funds were collected; and

(E) subject to Subsection (1)(d), the cost of the installation of publicly owned infrastructure and improvements outside the project area from which the tax increment funds were collected if the agency board and the community legislative body determine by resolution that the publicly owned infrastructure and improvements are of benefit to the project area; or and

(F) the determination of the board and the community legislative body under Subsection (1)(a)(iii)(E) regarding benefit to the project area is final and conclusive.

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

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

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

(C) relocation of a railroad facility within the urban renewal project area.

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

(b) An agency may not use tax increment or sales tax proceeds project area funds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal or economic development project area plan, or a community reinvestment project area plan without the consent of the community legislative body.

(d) An agency may not use tax increment or sales tax proceeds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(E) under an urban renewal or economic development project area plan without the consent of the community legislative body and the taxing entity committee.

(c) (i) Subject to Subsection (1)(e)(c)(ii), an agency may loan tax increment or sales tax proceeds.
sales tax proceeds, or a combination of tax increment and sales tax proceeds,] project area funds from a project area fund to another project area fund if:

(A) the [agency's] board approves; and

(B) the legislative body of [each] the community that created the agency approves.

(ii) An agency may not loan [tax increment or sales tax proceeds, or a combination of tax increment and sales tax proceeds,] project area funds under Subsection (1)(e)(c)(i) unless the projections for the [future tax increment or sales tax proceeds] project area funds of the borrowing project area are sufficient to repay the loan amount [prior to when the tax increment or sales tax proceeds] before the project area funds are intended for use under the loaning project area's plan.

[(iii) If a borrowing project area's funds are not sufficient to repay a loan made under Subsection (1)(e)(i) prior to when the tax increment or sales tax proceeds are intended for use under the loaning project area's plan, the community that created the agency shall repay the loan to the loaning project area's fund prior to when the tax increment or sales tax proceeds are intended for use under the loaning project area's plan, unless the taxing entity committee adopts a resolution to waive this requirement:]

(iii) A loan described in this Subsection (1)(c), is not subject to Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

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

(i) the Department of Transportation; or

(ii) a public transit district.

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

(b) An agency may use [sales tax proceeds] sales and use tax revenue it receives under [a resolution or] an interlocal agreement under [Section] Sections 17C-4-201 or 17C-5-205 for the uses authorized in the [resolution or] interlocal agreement.
(4) (3) (a) An agency may contract with the community that created the agency or another public entity to use tax increment to reimburse the cost of items authorized by this title to be paid by the agency that have been or will be paid by the community or other public entity.

(b) If land has been or will be acquired or the cost of an improvement has been or will be paid by another public entity and the land or improvement has been or will be leased to the community, an agency may contract with and make reimbursement from tax increment funds to the community.

[5] An agency created by a city of the first or second class may use tax increment from one project area in another project area to pay all or part of the value of the land for and the cost of the installation and construction of a publicly or privately owned convention center or sports complex or any building, facility, structure, or other improvement related to the convention center or sports complex, including parking and infrastructure improvements, if:

(a) construction of the convention center or sports complex or related building, facility, structure, or other improvement is commenced on or before December 31, 2012; and

(b) the tax increment is pledged to pay all or part of the value of the land for and the cost of the installation and construction of the convention center or sports complex or related building, facility, structure, or other improvement.

(4) Notwithstanding any other provision of this title, an agency may not use tax increment to construct a municipal or a county building unless a taxing entity committee or each taxing entity party to an interlocal agreement with the agency consents.

[6] Notwithstanding any other provision of this title, an agency may not use tax increment to construct municipal buildings unless the taxing entity committee adopts a resolution to waive this requirement.

[7] Notwithstanding any other provision of this title, an agency may not use tax increment under an urban renewal or economic development project area plan to pay any of the cost of the land, infrastructure, or construction of a stadium or arena constructed after March 1, 2005, unless the tax increment has been pledged for that purpose before February 15, 2005.

[8] (a) An agency may not use tax increment to pay the debt service of or any other amount related to a bond issued or other obligation incurred if the bond was issued or the obligation was incurred.
(i) by an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act;

(ii) on or after March 30, 2009; and

(iii) to finance a telecommunication facility.

(b) Subsection (8)(a) may not be construed to prohibit the refinancing, restatement, or refunding of a bond issued before March 30, 2009.

Section 25. Section 17C-1-410 is amended to read:

17C-1-410. Agency may make payments to other taxing entities.

(1) Subject to Subsection (3), an agency may grant tax increment or other agency funds to a taxing entity to offset some or all of the tax revenues that the taxing entity did not receive because of tax increment paid to the agency.

(2) (a) Subject to Subsection (3), an agency may use tax increment or other agency funds to pay to a school district an amount of money that the agency determines to be appropriate to alleviate a financial burden or detriment borne by the school district because of the [urban renewal, economic development, or community] project area development.

(b) Each agency that agrees to pay money to a school district under [the authority of] Subsection (2)(a) shall provide a copy of [that] the agreement to the State Board of Education.

(3) (a) If an agency intends to pay agency funds to one or more taxing entities under Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally equal amounts, the agency shall provide written notice to each taxing entity of [its] the agency's intent.

(b) (i) A taxing entity [receiving] that receives notice under Subsection (3)(a) may elect not to have [its] the taxing entity's tax increment collected and used to pay funds to other taxing entities under this section.

(ii) Each election under Subsection (3)(b)(i) shall be:

(A) in writing; and

(B) delivered to the agency within 30 days after the taxing entity's receipt of the notice under Subsection (3)(a).

(c) If a taxing entity makes an election under Subsection (3)(b), the portion of [that] the taxing entity's tax increment that would have been used by the agency to pay funds under this section to one or more other taxing entities may not be collected by the agency.
Section 26. Section 17C-1-411 is amended to read:

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

(1) An agency may use project area funds:

(a) to pay all or part of the value of the land for

and the cost of installation, construction, and rehabilitation of any building, facility, structure, or other housing improvement, including infrastructure improvements related to housing, located in any project area within the agency's boundaries; and

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

[(A)(i) replacing housing units lost by urban renewal, economic development, or community project area development; or

[(B)(ii) increasing, improving, and preserving generally the affordable housing supply within the boundary of the agency; or

[(iii)(c) for relocating mobile home park residents displaced by project area development, whether inside or outside a project area.

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

(b) Interest earned by the housing fund and any payments or repayments made to the agency for loans, advances, or grants of any kind from the housing fund, shall accrue to the housing fund.

(c) Each agency designating a housing fund under this section shall use the housing fund for:

(i) the purposes set forth in this section; or

(ii) the purposes set forth in this title relating to the urban renewal, economic development, or community development project area from which the funds originated.

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

Section 27. Section 17C-1-412 is amended to read:

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

(1) (a) Each agency shall use the agency's housing allocation, if applicable, to:

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

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

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

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

(v) pay part or all of the cost of land or installation, construction, or rehabilitation of any building, facility, structure, or other housing improvement, including infrastructure improvements, related to housing located in a project area where blight has been found to exist;

(vi) replace housing units lost as a result of the [urban renewal, economic development, or community] project area development;

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

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

(B) all or part of the proceeds of which are used within the community for the purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

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

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

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

(ix) relocate mobile home park residents displaced by [an urban renewal, economic development, or community development project] project area development.
(b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or any portion of the agency's housing [funds] allocation to:

(i) the community for use as provided under Subsection (1)(a);

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

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

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

(3) An agency may:

(a) issue bonds [from time to time] to finance a housing undertaking under this section, including the payment of principal and interest upon advances for surveys and plans or preliminary loans; and

(b) issue refunding bonds for the payment or retirement of bonds under Subsection (3)(a) previously issued by the agency.

(4) [An agency:]

(a) Subject to Subsection (4)(b), an agency shall allocate [housing funds] money from the housing fund each year in which the agency receives sufficient tax increment to make a housing allocation required by the project area budget[and].

(b) [is relieved, to the extent tax increment is insufficient in a year, of an obligation to allocate housing funds for the year] Subsection (4)(a) does not apply in a year in which tax increment is insufficient.

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

(b) In an action under Subsection (5)(a), the court:

(i) shall award the loan fund board reasonable attorney fees, unless the court finds that the action was frivolous; and
(ii) may not award the agency [its] the agency's attorney fees, unless the court finds that
the action was frivolous.

Section 28. Section 17C-1-413 is amended to read:

17C-1-413. Base taxable value for new tax.

For purposes of calculating tax increment with respect to a tax that a taxing entity levies
for the first time after the effective date of [the] a project area plan, the base taxable value shall
be used, subject to any adjustments under Section 17C-1-408.

Section 29. Section 17C-1-501 is amended to read:

17C-1-501. Resolution authorizing issuance of agency bonds -- Characteristics of
bonds.

(1) An agency may not issue bonds under this part unless the [agency] board first
adopts a resolution authorizing their issuance.

(2) (a) As provided in the agency resolution authorizing the issuance of bonds under
this part or the trust indenture under which the bonds are issued, bonds issued under this part
may be issued in one or more series and may be sold at public or private sale and in the manner
provided in the resolution or indenture.

(b) Bonds issued by an agency under this part shall bear the date, be payable at the
time, bear interest at the rate, be in the denomination and in the form, carry the conversion or
registration privileges, have the rank or priority, be executed in the manner, be subject to the
terms of redemption or tender, with or without premium, be payable in the medium of payment
and at the place, and have other characteristics as provided in the agency resolution authorizing
their issuance or the trust indenture under which they are issued.

Section 30. Section 17C-1-502 is amended to read:

17C-1-502. Sources from which bonds may be made payable -- Agency powers
regarding bonds.

(1) The principal and interest on [bonds] a bond issued by an agency may be made
payable from:

(a) the income and revenues of the [projects] project area development financed with
the proceeds of the [bonds] bond;

(b) the income and revenues of certain designated [projects whether or not they were]
project area development regardless of whether the project area development was financed in
whole or in part with the proceeds of the bonds;

(c) the income, proceeds, revenues, property, and funds of the agency derived from or held in connection with the agency's undertaking and carrying out [urban renewal, economic development, or community project area development];

(d) tax increment funds;

(e) agency revenues generally;

(f) a contribution, loan, grant, or other financial assistance from the federal government or a public entity in aid of urban renewal, economic development, or community project area development; or

(g) funds derived from any combination of the methods listed in Subsections (1)(a) through (f).

(2) In connection with the issuance of an agency bond, an agency may:

(a) pledge all or any part of the agency's gross or net rents, fees, or revenues to which the agency's right then exists or may thereafter come into existence;

(b) encumber by mortgage, deed of trust, or otherwise all or any part of the agency's real or personal property, then owned or thereafter acquired; and

(c) make the covenants and take the action that may be necessary, convenient, or desirable to secure the bond, or, except as otherwise provided in this chapter, that will tend to make the bond more marketable, even though such covenants or actions are not specifically enumerated in this chapter.

Section 31. Section 17C-1-504 is amended to read:

17C-1-504. Contesting the legality of resolution authorizing bonds -- Time limit -- Presumption.

(1) Any person may contest the legality of the resolution authorizing issuance of the bonds or any provisions for the security and payment of the bonds for a period of 30 days after:

(a) publication of the resolution authorizing the bonds; or

(b) publication of a notice of bonds containing substantially the items required under Subsection 11-14-316(2).

(2) After the 30-day period under Subsection (1), no person may bring a lawsuit or other proceeding contesting the regularity, formality, or legality of the bonds for any reason.
In a lawsuit or other proceeding involving the question of whether a bond issued under this part is valid or enforceable or involving the security for a bond, if a bond recites that the agency issued the bond in connection with an urban renewal, economic development, or community development project:

(a) the bond shall be conclusively presumed to have been issued for that purpose; and
(b) the project area plan and project area shall be conclusively presumed to have been properly formed, adopted, planned, located, and carried out in accordance with this title.

Section 32. Section 17C-1-505 is amended to read:

17C-1-505. Authority to purchase agency bonds.

(1) Any person, firm, corporation, association, political subdivision of the state, or other entity or public or private officer may purchase a bond issued by an agency under this part with funds owned or controlled by the purchaser.

(2) Nothing in this section may be construed to relieve a purchaser of an agency bond of any duty to exercise reasonable care in selecting securities.

Section 33. Section 17C-1-506 is amended to read:

17C-1-506. Those executing bonds not personally liable -- Limitation of obligations under bonds -- Negotiability.

(1) A member of an agency a board or other person executing an agency bond is not liable personally on the bond.

(2) (a) A bond issued by an agency is not a general obligation or liability of the community, the state, or any of its the state's political subdivisions and does not constitute a charge against their general credit or taxing powers.

(b) A bond issued by an agency is not payable out of any funds or properties other than those of the agency.

(c) The community, the state, and its the state's political subdivisions may not be liable on a bond issued by an agency.

(d) A bond issued by an agency does not constitute indebtedness within the meaning of any constitutional or statutory debt limitation.

(3) A bond issued by an agency under this part is fully negotiable.

Section 34. Section 17C-1-507 is amended to read:

17C-1-507. Obligee rights -- Board may confer other rights.
1703  (1) In addition to all other rights that are conferred on an obligee of a bond issued by an
1704 agency under this part and subject to contractual restrictions binding on the obligee, an obligee
1705 may:
1706  (a) by mandamus, suit, action, or other proceeding, compel an agency and [its] the
1707 agency's board, officers, agents, or employees to perform every term, provision, and covenant
1708 contained in any contract of the agency with or for the benefit of the obligee, and require the
1709 agency to carry out the covenants and agreements of the agency and to fulfill all duties imposed
1710 on the agency by this part; and
1711  (b) by suit, action, or other proceeding [in equity], enjoin any acts or things that may be
1712 unlawful or violate the rights of the obligee.
1713  (2) (a) In a board resolution authorizing the issuance of bonds or in a trust indenture,
1714 mortgage, lease, or other contract, [an agency] a board may confer upon an obligee holding or
1715 representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue
1716 upon the happening of an event or default prescribed in the resolution, indenture, mortgage,
1717 lease, or other contract, and to be exercised by suit, action, or proceeding in any court of
1718 competent jurisdiction.
1719  (b) (i) The rights that the board may confer under Subsection (2)(a) are the rights to:
1720  (A) cause possession of all or part of [an urban renewal, economic development, or
1721 community development project] project area development to be surrendered to an obligee;
1722  (B) obtain the appointment of a receiver of all or part of an agency's [urban renewal,
1723 economic development, or community development project] project area development and of
1724 the rents and profits from [it] the project area development; and
1725  (C) require the agency and [its] the board and employees to account as if the agency
1726 and the board and employees were the trustees of an express trust.
1727  (ii) If a receiver is appointed through the exercise of a right granted under Subsection
1728 (2)(b)(i)(B), the receiver:
1729  (A) may enter and take possession of the [urban renewal, economic development, or
1730 community development project] project area development or any part of it, operate and
1731 maintain it, and collect and receive all fees, rents, revenues, or other charges arising from it
1732 after the receiver's appointment; and
1733  (B) shall keep money collected as receiver for the agency in [separate accounts] a
Section 35. Section 17C-1-508 is amended to read:

**17C-1-508. Bonds exempt from taxes -- Agency may purchase an agency's own bonds.**

(1) A bond issued by an agency under this part is issued for an essential public and governmental purpose and is, together with interest on the bond and income from it, exempt from all state taxes except the corporate franchise tax.

(2) An agency may purchase its own bonds at a price that the board determines.

(3) Nothing in this section may be construed to limit the right of an obligee to pursue a remedy for the enforcement of a pledge or lien given under this part by an agency on its rents, fees, grants, properties, or revenues.

Section 36. Section 17C-1-601 is amended to read:

**Part 6. Agency Annual Report, Budget, and Audit Requirements**

**17C-1-601. Annual agency budget -- Fiscal year -- Public hearing required -- Auditor forms -- Requirement to file form.**

(1) Each agency shall prepare and its board adopt an annual budget of its revenues and expenditures for each fiscal year.

(2) The board shall adopt each agency budget:

(a) for an agency created by a municipality, before June 22; or

(b) for an agency created by a county, before December 15.

(3) The agency's fiscal year shall be the same as the fiscal year of the community that created the agency.

(4) (a) Before adopting an annual budget, each board shall hold a public hearing on the annual budget.

(b) Each agency shall provide notice of the public hearing on the annual budget by:

(i) publishing at least one notice in a newspaper of general circulation within the agency boundaries, one week before the public hearing; or

(B) if there is no newspaper of general circulation within the agency boundaries,
posting a notice of the public hearing in at least three public places within the agency boundaries; and

(ii) publishing notice on the Utah Public Notice Website created in Section 63F-1-701, at least one week before the public hearing.

(c) Each agency shall make the annual budget available for public inspection at least three days before the date of the public hearing.

(5) The state auditor shall prescribe the budget forms and the categories to be contained in each agency budget, including:

(a) revenues and expenditures for the budget year;

(b) legal fees; and

(c) administrative costs, including rent, supplies, and other materials, and salaries of agency personnel.

(6) (a) Within 90 days after adopting an annual budget, each [agency] board shall file a copy of the annual budget with the auditor of the county in which the agency is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity [that levies a tax on property] from which the agency collects tax increment.

(b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the state as a taxing entity is met if the agency files a copy with the State Tax Commission and the state auditor.

Section 37. Section 17C-1-602 is amended to read:

17C-1-602. Amending the agency annual budget.

(1) [An agency] A board may by resolution amend an annual agency budget.

(2) An amendment of the annual agency budget that would increase the total expenditures may be made only after public hearing by notice published as required for initial adoption of the annual budget.

(3) An agency may not make expenditures in excess of the total expenditures established in the annual budget as [#] the annual budget is adopted or amended.

Section 38. Section 17C-1-603 is amended to read:

17C-1-603. Annual report.

(1) [(a) Unless an agency submits a] An agency shall, on or before November 1 of each year, prepare and submit an annual report to the county auditor, the State Tax Commission, the
State Board of Education, and each taxing entity [that levies a tax on property from which the agency collects tax increment] from which the agency collects project area funds. [as provided under Subsection 17C-1-402(9)(b), on or before November 1 of each year, each agency shall prepare and file a report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the agency collects tax increment.]

[(b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a taxing entity is met if the agency files a copy with the State Tax Commission and the state auditor.]

[(2) Each report under Subsection (1) shall contain:]

(a) an estimate of the tax increment to be paid to the agency for the calendar year ending December 31;

(b) an estimate of the tax increment to be paid to the agency for the calendar year beginning the next January 1;

(c) a narrative description of each active project area within the agency’s boundaries;

(d) a narrative description of any significant activity related to each active project area that occurred during the immediately preceding fiscal year;

(e) a summary description of the overall project timeline for each active project area;

(f) any other information specifically requested by the taxing entity committee or required by the project area plan or budget; and

(g) any other information included by the agency.]

(2) The annual report as described in Subsection (1) shall, for each active project area, contain the following information:

(a) an assessment of the change in incremental value:

(i) the base year assessed value;

(ii) the prior year assessed value;

(iii) the estimated current year assessed value; and

(iv) a narrative description of the relative growth in assessed value;

(b) the amount of project area funds the agency received and passed through to other taxing entities, including:

(i) a comparison of the actual tax increment received for the previous year to the
amount of tax increment forecasted when the project area was created, if available;
(ii) (A) a description of historical receipts of tax increment, including the tax year for
which the agency first received tax increment for the project area; or
(B) if the agency has not yet received tax increment from the project area, details of
when the agency expects to receive tax increment;
(iii) a list of each taxing entity that levies or imposes a tax within the project area and a
description of the benefits that each taxing entity receives from the project area; and
(iv) the amount of tax increment that the agency is entitled to receive, including the
number of years for which the agency is entitled to receive tax increment from the project area;
(c) a description of current and anticipated project area development, including:
(i) a narrative of any significant project area development, including infrastructure
development, site development, participation agreements, and vertical construction; and
(ii) other details of development within the project area, including total developed
acreage and total undeveloped acreage;
(d) the project area budget;
(e) an estimate of the tax increment to be paid to the agency for the next calendar year;
(f) a map of the project area; and
(g) any other project information the agency elects to provide.
(3) A report prepared in accordance with this section:
(a) is for informational purposes only; and
(b) does not alter the amount of tax increment that an agency is entitled to collect from
a project area.
Section 39. Section 17C-1-605 is amended to read:
17C-1-605. Audit report.
(1) Each agency required to be audited under Section 17C-1-604 shall, within 180 days
after the end of the agency's fiscal year, file a copy of the audit report with the county auditor,
the State Tax Commission, the State Board of Education, and each taxing entity that levies a
tax on property from which the agency collects tax increment.
(2) Each audit report under Subsection (1) shall include:
(a) the tax increment collected by the agency for each project area;
(b) the amount of tax increment paid to each taxing entity under Section 17C-1-410;
(c) the outstanding principal amount of bonds issued or other loans incurred to finance the costs associated with the agency's project areas; and
(d) the actual amount expended for:
(i) acquisition of property;
(ii) site improvements or site preparation costs;
(iii) installation of public utilities or other public improvements; and
(iv) administrative costs of the agency.

Section 40. Section 17C-1-606 is amended to read:

17C-1-606. County auditor report on project areas.

(1) (a) On or before March 31 of each year, the auditor of each county in which an agency is located shall prepare a report on the project areas within each agency.
(b) The county auditor shall send a copy of each report under Subsection (1)(a) to the agency that is the subject of the report, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the agency collects tax increment.

(2) Each report under Subsection (1)(a) shall report:
(a) the total assessed property value within each project area for the previous tax year;
(b) the base taxable value of property within each project area for the previous tax year;
(c) the tax increment available to be paid to the agency for the previous tax year;
(d) the tax increment requested by the agency for the previous tax year; and
(e) the tax increment paid to the agency for the previous tax year.

(3) Within 30 days after a request by an agency, the State Tax Commission, the State Board of Education, or any taxing entity that levies a tax on property from which the agency receives tax increment, the county auditor or the county assessor shall provide access to:
(a) the county auditor's method and calculations used to make adjustments under Section 17C-1-408;
(b) the unequalized assessed valuation of an existing or proposed project area, or any parcel or parcels within an existing or proposed project area, if the equalized assessed valuation has not yet been determined for that year;
(c) the most recent equalized assessed valuation of an existing or proposed project area or any parcel or parcels within an existing or proposed project area; and
(d) the tax rate of each taxing entity adopted as of November 1 for the previous tax year.

Section 41. Section 17C-1-607 is amended to read:

17C-1-607. State Tax Commission and county assessor required to account for new growth.

The State Tax Commission and the assessor of each county in which [an urban renewal, economic development, or community development] a project area is located shall count as new growth the assessed value of property with respect to which the taxing entity is receiving taxes or increased taxes for the first time.

Section 42. Section 17C-1-701 is amended to read:

Part 1. Agency and Project Area Dissolution

17C-1-701. Approval of agency deactivation and dissolution -- Restrictions --

Notice -- Recording requirements -- Agency records -- Dissolution expenses.

(1) (a) Subject to Subsection (1)(b), the legislative body of the community that created an agency may, by ordinance, approve the deactivation and dissolution of the agency.

(b) An ordinance under Subsection (1)(a) approving the deactivation and dissolution of an agency may not be adopted unless the agency has no outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with persons [or entities] other than the community.

(2) (a) The community legislative body shall:

(i) within 10 days after adopting an ordinance under Subsection (1), file with the lieutenant governor a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

(ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section 67-1a-6.5, submit to the recorder of the county in which the agency is located:

(A) the original notice of an impending boundary action;

(B) the original certificate of dissolution; and

(C) a certified copy of the ordinance approving the deactivation and dissolution of the agency.

(b) Upon the lieutenant governor's issuance of the certificate of dissolution under Section 67-1a-6.5, the agency is dissolved.
(c) Within 10 days after receiving the certificate of dissolution from the lieutenant governor under Section 67-1a-6.5, the community legislative body shall send a copy of the certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of Education, and each taxing entity.

(d) The community legislative body shall publish a notice of dissolution in a newspaper of general circulation in the county in which the dissolved agency is located.

(3) The books, documents, records, papers, and seal of each dissolved agency shall be deposited for safekeeping and reference with the recorder of the community that dissolved the agency.

(4) The agency shall pay all expenses of the deactivation and dissolution.

Section 43. Section 17C-1-702 is enacted to read:

17C-1-702. Project area dissolution.

(1) Regardless of whether an agency receives project funds from a project area, the project area remains in existence until:

(a) the agency adopts a resolution of dissolution in accordance with Subsection (2); and

(b) the community legislative body adopts an ordinance in accordance Subsection (2) that dissolves the project area.

(2) The ordinance described in Subsection (1)(b) shall include:

(a) the name of the project area; and

(b) a map or a description of the project area boundaries.

(2) Within 30 days after the day on which the community legislative body adopts an ordinance under Subsection (1)(b), the community legislative body shall:

(a) submit a copy of the ordinance for recording with the county recorder of the county within which the dissolved project area is located; and

(b) mail a copy of the ordinance to each taxing entity from which the agency received project area funds for the dissolved project area.

Section 44. Section 17C-1-801 is enacted to read:

Part 8. Hearing and Notice Requirements

17C-1-801. Title.

This part is known as "Hearings and Notice Requirements."

Section 45. Section 17C-1-802, which is renumbered from Section 17C-2-401 is
Combining hearings.

A board may combine any combination of a blight hearing, a plan hearing, and a budget hearing.

Continuing a hearing.

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

1. a blight hearing;
2. a plan hearing;
3. a budget hearing; or
4. a combined hearing under Section 17C-1-802.

Notice required for continued hearing.

The board shall give notice of a hearing continued under Section 17C-1-802 by announcing at the hearing:

1. the date, time, and place the hearing will be resumed; or
2. (a) that the hearing is being continued to a later time; and (b) that the board will cause a notice of the continued hearing to be:
   [(i) published once in a newspaper of general circulation within the agency boundaries at least seven days before the hearing is scheduled to resume; or]
   [(ii) if there is no newspaper of general circulation, posted in at least three conspicuous places within the boundaries of the agency in which the project area or proposed project area is located; and]
   [(b)] published on the Utah Public Notice Website created in Section 63F-1-701, at least seven days before the hearing is schedule to resume.

Agency to provide notice of hearings.

Section 48. Section 17C-1-805, which is renumbered from Section 17C-2-501 is renumbered and amended to read:
(1) Each agency shall provide notice, as provided in this part, of each:

(a) blight hearing;

(b) plan hearing; and

(c) budget hearing.

(2) The notice required under Subsection (1) for any of the hearings listed in that subsection may be combined with the notice required for any of the other hearings if the hearings are combined under Section [17C-2-401] 17C-1-802.

Section 49. Section 17C-1-806, which is renumbered from Section 17C-2-502 is renumbered and amended to read:

17C-2-502. Requirements for notice provided by agency.

(1) The notice required by Section 17C-1-805 shall be given by:

(a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a newspaper of general circulation within the county in which the project area or proposed project area is located, at least 14 days before the hearing;

(ii) if there is no newspaper of general circulation, posting notice at least 14 days before the day of the hearing in at least three conspicuous places within the county in which the project area or proposed project area is located; or

(iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days before the day on which the hearing is held on:

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

(B) the public website of a community located within the boundaries of the project area; and

(b) at least 30 days before the hearing, mailing notice to:

(i) each record owner of property located within the project area or proposed project area; and

(ii) the State Tax Commission;

(iii) the assessor and auditor of the county in which the project area or proposed project area is located; or

(iv) each member of the taxing entity committee, if applicable; or

(B) if a taxing entity committee has not yet been formed, the State Board of
Education and the legislative body or governing board of each taxing entity; and

(v) for a community development project area plan or community reinvestment project area plan that is subject to interlocal agreement, each taxing entity party to an interlocal agreement.

(2) The mailing of the notice to record property owners required under Subsection (1)(b)(i) shall be conclusively considered to have been properly completed if:

(a) the agency mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and

(b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.

(3) The agency shall include in each notice required under Section [17C-2-504]

17C-1-805:

(a) (i) a specific description of the boundaries of the project area or proposed project area; or

(ii) (A) a mailing address or telephone number where a person may request that a copy of the description be sent at no cost to the person by mail or facsimile transmission; and

(B) if the agency has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the description;

(b) a map of the boundaries of the project area or proposed project area;

(c) an explanation of the purpose of the hearing; and

(d) a statement of the date, time, and location of the hearing.

(4) The agency shall include in each notice under Subsection (1)(b)(ii):

(a) a statement that property tax revenues resulting from an increase in valuation of property within the project area or proposed project area will be paid to the agency for urban renewal purposes rather than to the taxing entity to which the tax revenues would otherwise have been paid if:

(i) the taxing entity committee consents to the project area budget; and

(ii) the project area plan provides for the agency to receive tax increment; and

(b) an invitation to the recipient of the notice to submit to the agency comments
concerning the subject matter of the hearing before the date of the hearing.

(5) An agency may include in a notice under Subsection (1) any other information the
agency considers necessary or advisable, including the public purpose served by the project and
any future tax benefits expected to result from the project.

Section 50. Section 17C-1-807, which is renumbered from Section 17C-2-503 is
renumbered and amended to read:

[17C-2-503].  17C-1-807. Additional requirements for notice of a blight
hearing.

Each notice under Section [17C-2-502] 17C-1-806 for a blight hearing shall include:

(1) a statement that:

(a) [an urban renewal] a project area is being proposed;
(b) the proposed [urban renewal] project area may be declared to have blight;
(c) the record owner of property within the proposed project area has the right to
present evidence at the blight hearing contesting the existence of blight;
(d) except for a hearing continued under Section [17C-2-402] 17C-1-803, the agency
will notify the record property owners referred to in Subsection [17C-2-502]
17C-1-806(1)(b)(i) of each additional public hearing held by the agency concerning the [urban
renewal project prior to] proposed project area before the adoption of the [urban renewal]
project area plan; and
(e) persons contesting the existence of blight in the proposed [urban renewal] project
area may appear before the [agency] board and show cause why the proposed [urban renewal]
project area should not be designated as [an urban renewal] a project area; and

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

(a) the project area plan may require the agency to use eminent domain; and
(b) the proposed use of eminent domain will be discussed at the blight hearing.

Section 51. Section 17C-1-808, which is renumbered from Section 17C-2-504 is
renumbered and amended to read:

[17C-2-504].  17C-1-808. Additional requirements for notice of a plan
hearing.

Each notice under Section [17C-2-502] 17C-1-806 of a plan hearing shall include:
(1) a statement that any person objecting to the [draft] proposed project area plan or
contesting the regularity of any of the proceedings to adopt it may appear before the [agency]
board at the hearing to show cause why the [draft] proposed project area plan should not be
adopted; and
(2) a statement that the proposed project area plan is available for inspection at the
agency offices.

Section 52. Section 17C-1-809, which is renumbered from Section 17C-2-505 is
renumbered and amended to read:

[17C-2-505].

17C-1-809. Additional requirements for notice of a budget hearing.

Each notice under Section [17C-2-502] 17C-1-806 of a budget hearing shall contain:
(1) the following statement:
"The (name of agency) has requested $________ in property tax revenues that will be
generated by development within the (name of project area) to fund a portion of project costs
within the (name of project area). These property tax revenues will be used for the following:
(list major budget categories and amounts). These property taxes will be taxes levied by the
following governmental entities, and, assuming current tax rates, the taxes paid to the agency
for this project area from each taxing entity will be as follows: (list each taxing entity levying
taxes and the amount of total taxes that would be paid from each taxing entity). All of the
property taxes to be paid to the agency for the development in the project area are taxes that
will be generated only if the project area is developed.

All concerned citizens are invited to attend the project area budget hearing scheduled
for (date, time, and place of hearing). A copy of the (name of project area) project area budget
is available at the offices of (name of agency and office address)."; and
(2) other information that the agency considers appropriate.

Section 53. Section 17C-2-101.1 is enacted to read:

CHAPTER 2. URBAN RENEWAL

17C-2-101.1. Title.

This chapter is known as "Urban Renewal."

Section 54. Section 17C-2-101.2 is enacted to read:

17C-2-101.2. Applicability of chapter.
This chapter applies to an urban renewal project area plan adopted before May 10, 2016.

Section 55. Section 17C-2-101.5, which is renumbered from Section 17C-2-101 is renumbered and amended to read:

[17C-2-101]. 17C-2-101.5. Resolution designating survey area -- Request to adopt resolution.

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

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

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

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

(ii) blight exists within the survey area; and

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

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

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

(b) The board may, in its sole discretion, grant or deny a request under Subsection (2)(a).

Section 56. Section 17C-2-102 is amended to read:

17C-2-102. Process for adopting urban renewal project area plan -- Prerequisites

-- Restrictions.

(1) In order to adopt an urban renewal project area plan, after adopting a resolution under Subsection 17C-2-101(1) the agency shall:

(a) unless a finding of blight is based on a finding made under Subsection 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:

(A) cause a blight study to be conducted within the survey area as provided in Section 17C-2-301;

(B) provide notice of a blight hearing as required under Part 5, Urban Renewal Notice Requirements; and

(C) hold a blight hearing as provided in Section 17C-2-302;
Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101(1), hold a board meeting at which the board shall:

(A) consider:

(I) the issue of blight and the evidence and information relating to the existence or nonexistence of blight; and

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

(B) by resolution:

(I) make a finding regarding the existence of blight in the proposed urban renewal project area;

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

(III) authorize the preparation of a [draft] proposed project area plan for each project area;

(iii) prepare a [draft] proposed of a project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;

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

(v) provide notice of the plan hearing as provided in Sections [17C-2-502 and 17C-1-806 and 17C-1-808];

(vi) hold a public hearing on the [draft] proposed project area plan and, at that public hearing:

(A) allow public comment on:

(I) the [draft] proposed project area plan; and

(II) whether the [draft] proposed project area plan should be revised, approved, or rejected; and

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

(vii) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity that levies a tax on property within the proposed project area
to consult with the agency regarding the [draft] proposed project area plan;
(viii) if applicable, hold the election required under Subsection 17C-2-105(3);
(ix) after holding the plan hearing, at the same meeting or at a subsequent meeting
consider:
(A) the oral and written objections to the [draft] proposed project area plan and
evidence and testimony for and against adoption of the [draft] proposed project area plan; and
(B) whether to revise, approve, or reject the [draft] proposed project area plan;
(x) approve the draft project area plan, with or without revisions, as the project area
plan by a resolution that complies with Section 17C-2-106; and
(xi) submit the project area plan to the community legislative body for adoption.
(b) (i) If an agency makes a finding under Subsection (1)(a)(ii)(B) that blight exists in
the proposed urban renewal project area, the agency may not adopt the project area plan until
the taxing entity committee approves the finding of blight.
(ii) (A) A taxing entity committee may not disapprove an agency's finding of blight
unless the committee demonstrates that the conditions the agency found to exist in the urban
renewal project area that support the agency's finding of blight under Section 17C-2-303:
(I) do not exist; or
(II) do not constitute blight.
(B) (I) If the taxing entity committee questions or disputes the existence of some or all
of the blight conditions that the agency found to exist in the urban renewal project area or that
those conditions constitute blight, the taxing entity committee may hire a consultant, mutually
agreed upon by the taxing entity committee and the agency, with the necessary expertise to
assist the taxing entity committee to make a determination as to the existence of the questioned
or disputed blight conditions.
(II) The agency shall pay the fees and expenses of each consultant hired under
(III) The findings of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on
the taxing entity committee and the agency.
(2) An agency may not propose a project area plan under Subsection (1) unless the
community in which the proposed project area is located:
(a) has a planning commission; and
(b) has adopted a general plan under:

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

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

(3) (a) Subject to Subsection (3)(b), [an agency] a board may not approve a project area plan more than one year after adoption of a resolution making a finding of blight under Subsection (1)(a)(ii)(B).

(b) If a project area plan is submitted to an election under Subsection 17C-2-105(3), the time between the plan hearing and the date of the election does not count for purposes of calculating the year period under Subsection (3)(a).

(4) (a) Except as provided in Subsection (4)(b), a [draft] proposed project area plan may not be modified to add real property to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Sections [17C-2-502 and 17C-2-504] 17C-1-806 and 17C-1-808.

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

(i) the property is contiguous to the property already included in the proposed project area under the [draft] proposed project area plan;

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

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

Section 57. Section 17C-2-103 is amended to read:

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

(1) Each urban renewal project area plan and [draft] proposed project area plan shall:

(a) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;

(b) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the urban renewal;

(c) state the standards that will guide the urban renewal;
(d) show how the purposes of this title will be attained by the urban renewal;
(e) be consistent with the general plan of the community in which the project area is located and show that the urban renewal will conform to the community's general plan;
(f) describe how the urban renewal will reduce or eliminate blight in the project area;
(g) describe any specific project or projects that are the object of the proposed urban renewal;
(h) identify how [private developers, if any,] a participant will be selected to undertake the urban renewal and identify each [private developer] participant currently involved in the urban renewal process;
(i) state the reasons for the selection of the project area;
(j) describe the physical, social, and economic conditions existing in the project area;
(k) describe any tax incentives offered private entities for facilities located in the project area;
(l) include the analysis described in Subsection (2);
(m) if any of the existing buildings or uses in the project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, state that the agency shall comply with Section 9-8-404 as though the agency were a state agency; and
(n) include other information that the agency determines to be necessary or advisable.
(2) Each analysis under Subsection (1)(l) shall consider:
(a) the benefit of any financial assistance or other public subsidy proposed to be provided by the agency, including:
   (i) an evaluation of the reasonableness of the costs of the urban renewal;
   (ii) efforts the agency or [developer] participant has made or will make to maximize private investment;
   (iii) the rationale for use of tax increment, including an analysis of whether the proposed development might reasonably be expected to occur in the foreseeable future solely through private investment; and
   (iv) an estimate of the total amount of tax increment that will be expended in undertaking urban renewal and the length of time for which it will be expended; and
(b) the anticipated public benefit to be derived from the urban renewal, including:
   (i) the beneficial influences upon the tax base of the community;
the associated business and economic activity likely to be stimulated; and

whether adoption of the project area plan is necessary and appropriate to reduce or eliminate blight.

Section 58. Section 17C-2-105 is amended to read:

17C-2-105. Objections to urban renewal project area plan -- Owners' alternative project area plan -- Election if 40% of property owners object.

(1) At any time before the plan hearing, any person may file with the agency a written statement of objections to the [draft] proposed urban renewal project area plan.

(2) If the record owners of property of a majority of the private real property included within the proposed urban renewal project area file a written petition before or at the plan hearing, proposing an alternative project area plan, the agency shall consider that proposed plan in conjunction with the project area plan proposed by the agency.

(3) (a) If the record property owners of at least 40% of the private land area within the proposed urban renewal project area object in writing to the [draft] proposed project area plan before or at the plan hearing and do not withdraw their objections, an agency may not approve the project area plan until approved by voters within the boundaries of the agency in which the proposed project area is located at an election as provided in Subsection (3)(b).

(b) (i) Except as provided in this section, each election required under Subsection (3)(a) shall comply with Title 20A, Election Code.

(ii) An election under Subsection (3)(a) may be held on the same day and with the same election officials as an election held by the community in which the proposed project area is located.

(iii) If a majority of those voting on the proposed project area plan vote in favor of it, the project area plan shall be considered approved and the agency shall confirm the approval by resolution.

(4) If the record property owners of 2/3 of the private land area within the proposed project area object in writing to the [draft] proposed project area plan before or at the plan hearing and do not withdraw their objections, the project area plan may not be adopted and the agency may not reconsider the project area plan for three years.

Section 59. Section 17C-2-106 is amended to read:

17C-2-106. Board resolution approving urban renewal project area plan --
Each board resolution approving a proposed urban renewal project area plan as the project area plan under Subsection 17C-2-102(1)(a) shall contain:

1. a boundary description of the boundaries of the project area that is the subject of the project area plan;
2. the agency's purposes and intent with respect to the project area;
3. the project area plan incorporated by reference;
4. a statement that the board previously made a finding of blight within the project area and the date of the board's finding of blight; and
5. the board findings and determinations that:
   a. there is a need to effectuate a public purpose;
   b. there is a public benefit under the analysis described in Subsection 17C-2-103(2);
   c. it is economically sound and feasible to adopt and carry out the project area plan;
   d. the project area plan conforms to the community's general plan; and
   e. carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.

Section 60. Section 17C-2-108 is amended to read:

17C-2-108. Notice of urban renewal project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

(1) (a) Upon the community legislative body's adoption of an urban renewal project area plan, or an amendment to a project area plan under Section 17C-2-110, the legislative body shall provide notice as provided in Subsection (1)(b) by:

(i) (A) publishing or causing to be published a notice in a newspaper of general circulation within the agency's boundaries; or
(B) if there is no newspaper of general circulation within the agency's boundaries, causing a notice to be posted in at least three public places within the agency's boundaries; and
(ii) posting a notice on the Utah Public Notice Website described in Section 63F-1-701.

(b) Each notice under Subsection (1)(a) shall:

(i) set forth the community legislative body's ordinance adopting the project area plan or a summary of the ordinance; and
(ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.

(2) The project area plan shall become effective on the date of:

(a) if notice was published under Subsection (1)(a), publication of the notice; or
(b) if notice was posted under Subsection (1)(a), posting of the notice.

(3) (a) For a period of 30 days after the effective date of the project area plan under Subsection (2), any person in interest may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.

(b) After the 30-day period under Subsection (3)(a) expires, no person may contest the project area plan or procedure used to adopt the project area plan for any cause.

(4) Upon adoption of the project area plan by the community's legislative body, the agency may carry out the project area plan.

(5) Each agency shall make the adopted project area plan available to the general public at [its offices] the agency's office during normal business hours.

Section 17C-2-109 is amended to read:

17C-2-109. Agency required to transmit and record documents after adoption of an urban renewal project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-2-107, an urban renewal project area plan, the agency shall:

(1) record with the recorder of the county in which the project area is located a document containing:

(a) a description of the land within the project area;
(b) a statement that the project area plan for the project area has been adopted; and
(c) the date of adoption;

(2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Automated Geographic Reference Center created under Section 63F-1-506; and

(3) for a project area plan that provides for the payment of tax increment to the agency, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the
boundaries of the project area to:
(a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
county part of the project area is located;
(b) the officer or officers performing the function of auditor or assessor for each taxing
county entity that does not use the county assessment roll or collect [its] the taxing entity's taxes
through the county;
(c) the legislative body or governing board of each taxing entity;
(d) the State Tax Commission; and
(e) the State Board of Education.

Section 62. Section 17C-2-110 is amended to read:

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

(1) An adopted urban renewal project area plan may be amended as provided in this
section.
(2) If an agency proposes to amend an adopted urban renewal project area plan to
enlarge the project area:
(a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
a project area plan apply equally to the proposed amendment as if it were a proposed project
area plan;
(b) for a pre-July 1, 1993 project area plan, the base year taxable value for the new area
added to the project area shall be determined under Subsection 17C-1-102(6)(a)(i) using the
effective date of the amended project area plan;
(c) for a post-June 30, 1993 project area plan:
(i) the base year taxable value for the new area added to the project area shall be
determined under Subsection 17C-1-102(6)(a)(ii) using the date of the taxing entity
committee's consent referred to in Subsection (2)(c)(ii); and
(ii) the agency shall obtain the consent of the taxing entity committee before the agency
may collect tax increment from the area added to the project area by the amendment;
(d) the agency shall make a finding regarding the existence of blight in the area
proposed to be added to the project area by following the procedure set forth in Subsections
17C-2-102(1)(a)(i) and (ii); and
(e) the agency need not make a finding regarding the existence of blight in the project
(3) If a proposed amendment does not propose to enlarge an urban renewal project area, an agency board may adopt a resolution approving an amendment to an adopted project area plan after:

(a) the agency gives notice, as provided in Section [17C-2-502] 17C-1-806, of the proposed amendment and of the public hearing required by Subsection (3)(b);

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

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

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

(ii) to permit the agency to receive a greater percentage of tax increment or to receive tax increment for a longer period of time, or both, than allowed under the adopted project area plan; or

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

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

(4) (a) An adopted urban renewal project area plan may be amended without complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

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

(ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
because the agency determines that:

(A) the parcel is no longer blighted; or

(B) inclusion of the parcel is no longer necessary or desirable to the project area.

(b) An amendment removing a parcel of real property from a project area under Subsection (4)(a)(ii) may not be made without the consent of the record property owner of the parcel being removed.

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

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

Section 63. Section 17C-2-201 is amended to read:

17C-2-201. Project area budget -- Requirements for adopting -- Contesting the budget or procedure -- Time limit.

(1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban renewal project area plan with tax increment, the agency shall, subject to Section 17C-2-202, adopt a project area budget as provided in this part.

(b) An urban renewal project area budget adopted on or after March 30, 2009 shall specify:

(i) for a project area budget adopted on or after March 30, 2009:

(A) the number of tax years for which the agency will be allowed to receive tax increment from the project area; and

(B) the percentage of tax increment the agency is entitled to receive from the project area under the project area budget; and

(ii) for a project area budget adopted on or after March 30, 2013, unless approval is obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of tax increment that the agency may receive from the project area under the project area budget.

(2) To adopt an urban renewal project area budget, the agency shall:

(a) prepare a [draft of a] proposed project area budget;
(b) make a copy of the [draft] proposed project area budget available to the public at the agency's offices during normal business hours;

c) provide notice of the budget hearing as required by [Part 5, Urban Renewal Notice Requirements] Chapter 1, Part 8, Hearing and Notice Requirements;

(d) hold a public hearing on the [draft] proposed project area budget and, at that public hearing, allow public comment on:

(i) the [draft] proposed project area budget; and

(ii) whether the [draft] proposed project area budget should be revised, adopted, or rejected;

(e)(i) if required under Subsection 17C-2-204(1), obtain the approval of the taxing entity committee on the [draft] proposed project area budget or a revised version of the [draft] proposed project area budget; or

(ii) if applicable, comply with the requirements of Subsection 17C-2-204(2);

(f) if approval of the taxing entity committee is required under Subsection (2)(e)(i), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and

(g) after the budget hearing, hold a board meeting in the same meeting as the public hearing or in a subsequent meeting to:

(i) consider comments made and information presented at the public hearing relating to the [draft] proposed project area budget; and

(ii) adopt by resolution the [draft] proposed project area budget, with any revisions, as the project area budget.

(3) (a) For a period of 30 days after the agency's adoption of the project area budget under Subsection (2)(g), any person in interest may contest the project area budget or the procedure used to adopt the project area budget if the budget or procedure fails to comply with applicable statutory requirements.

(b) After the 30-day period under Subsection (3)(a) expires, a person, for any cause, may not contest:

(i) the project area budget or procedure used by either the taxing entity committee or the agency to approve and adopt the project area budget;
(ii) a payment to the agency under the project area budget; or
(iii) the agency's use of tax increment under the project area budget.

Section 64. Section 17C-2-204 is amended to read:

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

(1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each agency shall obtain the consent of the taxing entity committee for each urban renewal project area budget under a post-June 30, 1993 project area plan before the agency may collect any tax increment from the urban renewal project area.

(b) For an urban renewal project area budget adopted from July 1, 1998 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in Section 17C-1-412, an agency:

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

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

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

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

(2) (a) Before a taxing entity committee may consent to an urban renewal project area budget adopted on or after May 1, 2000 that is required under Subsection 17C-2-203(1)(a) to allocate 20% of tax increment for housing, the agency shall:

(i) adopt a housing plan showing the uses for the housing funds; and

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

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

Section 65. Section 17C-2-207 is amended to read:

17C-2-207. Extending collection of tax increment in an urban renewal project area budget.

(1) An amendment or extension approved by a taxing entity or taxing entity committee
before May 10, 2011, is not subject to this section.

(2) (a) An agency's collection of tax increment under an adopted urban renewal project area budget may be extended by:

(i) following the project area budget amendment procedures outlined in Section 17C-2-206; or

(ii) following the procedures outlined in this section.

(b) The base taxable value for an urban renewal project area budget may not be altered as a result of an extension under this section unless otherwise expressly provided for in an interlocal agreement adopted in accordance with Subsection (3)(a).

(3) To extend under this section the agency's collection of tax increment from a taxing entity under a previously approved project area budget, the agency shall:

(a) obtain the approval of the taxing entity through an interlocal agreement;

(b) (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a [draft] proposed project area budget; and

(ii) provide notice of the hearing:

(A) as required by Part 5, Urban Renewal Notice Requirements; and

(B) including the proposed period of extension of the project area budget; and

(c) after obtaining the approval of the taxing entity in accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving the extension.

(4) After the expiration of a project area budget, an agency may continue to receive tax increment from those taxing entities that have agreed to an extension through an interlocal agreement in accordance with Subsection (3)(a).

(5) (a) A person may contest the agency's adoption of a budget extension within 30 days after the day on which the agency adopts the resolution providing for the extension.

(b) A person who fails to contest a budget extension under Subsection (5)(a):

(i) shall forfeit any claim against the agency's adoption of the extension; and

(ii) may not contest:

(A) a payment to the agency under the budget, as extended; or

(B) an agency's use of tax increment under the budget, as extended.

Section 66. Section 17C-2-303 is amended to read:

17C-2-303. Conditions on board determination of blight -- Conditions of blight
caused by the participant.

(1) [An agency] A board may not make a finding of blight in a resolution under Subsection 17C-2-102(1)(a)(ii)(B) unless the board finds that:

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

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

(iii) at least 50% of the parcels within the proposed project area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes, or any combination of those uses;

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

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

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

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

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

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

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

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

(F) criminal activity in the project area, higher than that of comparable nonblighted areas in the municipality or county; and

(G) defective or unusual conditions of title rendering the title nonmarketable; and
(v) (A) at least 50% of the privately-owned parcels within the proposed project area are
affected by at least one of the factors, but not necessarily the same factor, listed in Subsection
(1)(a)(iv); and
(B) the affected parcels comprise at least 66% of the privately-owned acreage of the
proposed project area; or
(b) the proposed project area includes some or all of a superfund site, inactive
industrial site, or inactive airport site.
(2) No single parcel comprising 10% or more of the acreage of the proposed project
area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
that parcel is occupied by buildings or improvements.
(3) (a) For purposes of Subsection (1), if a [developer] participant involved in the
urban renewal project has caused a condition listed in Subsection (1)(a)(iv) within the proposed
project area, that condition may not be used in the determination of blight.
(b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
tenant who becomes a [developer] participant.

Section 67. Section 17C-2-601 is amended to read:
17C-2-601. Use of eminent domain in an urban renewal project area --
Conditions -- Acquiring single family owner occupied residential property or commercial
property -- Acquiring property already devoted to a public use -- Relocation assistance
requirement.
(1) Subject to Section 17C-2-602, an agency may, in accordance with Title 17B,
Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire property:
(a) within an urban renewal project area if:
(i) the [agency] board makes a finding of blight under Part 3, Blight Determination in
Urban Renewal Project Areas;
(ii) the urban renewal project area plan provides for the use of eminent domain; and
(iii) the agency commences the acquisition of the property within five years after the
effective date of the urban renewal project area plan; or
(b) within a project area established after December 31, 2001 but before April 30, 2007
if:
(i) the [agency] board made a finding of blight with respect to the project area as
provided under the law in effect at the time of the finding;
(ii) the project area plan provides for the use of eminent domain; and
(iii) the agency commences the acquisition of the property before January 1, 2010.
(2) (a) As used in this Subsection (2):
(i) "Commercial property" means a property used, in whole or in part, by the owner or possessor of the property for a commercial, industrial, retail, or other business purpose,
regardless of the identity of the property owner.
(ii) "Owner occupied property" means private real property:
(A) whose use is single-family residential or commercial; and
(B) that is occupied by the owner of the property.
(iii) "Relevant area" means:
(A) except as provided in Subsection (2)(a)(iii)(B), the project area; or
(B) the area included within a phase of a project under a project area plan if the phase and the area included within the phase are described in the project area plan.
(b) For purposes of each provision of this Subsection (2) relating to the submission of a petition by the owners of property, a parcel of real property is included in the calculation of the applicable percentage if the petition is signed by:
(i) except as provided in Subsection (2)(b)(ii), owners representing a majority ownership interest in that parcel; or
(ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel.
(c) An agency may not acquire by eminent domain single-family residential owner occupied property unless:
(i) the owner consents; or
(ii) (A) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 80% of the owner occupied property within the relevant area representing at least 70% of the value of owner occupied property within the relevant area; and
(B) 2/3 of all [agency] board members vote in favor of using eminent domain to acquire the property.
(d) An agency may not acquire commercial property by eminent domain unless:
(i) the owner consents; or

(ii) (A) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 75% of the commercial property within the relevant area representing at least 60% of the value of commercial property within the relevant area; and

(B) 2/3 of all [agency] board members vote in favor of using eminent domain to acquire the property.

(3) An agency may not acquire any real property on which an existing building is to be continued on [its] the building's present site and in [its] the building's present form and use unless:

(a) the owner consents; or

(b) (i) the building requires structural alteration, improvement, modernization, or rehabilitation;

(ii) the site or lot on which the building is situated requires modification in size, shape, or use; or

(iii) (A) it is necessary to impose upon the property any of the standards, restrictions, and controls of the project area plan; and

(B) the owner fails or refuses to agree to participate in the project area plan.

(4) (a) Subject to Subsection (4)(b), an agency may acquire by eminent domain property that is already devoted to a public use and located in:

(i) an urban renewal project area; or

(ii) a project area described in Subsection (1)(b).

(b) An agency may not acquire property of a public entity under Subsection (4)(a) without the public entity's consent.

(5) Each agency that acquires property by eminent domain shall comply with Title 57, Chapter 12, Utah Relocation Assistance Act.

Section 68. Section 17C-2-603 is amended to read:

17C-2-603. Court award for court costs and attorney fees, relocation expenses, and damage to fixtures or personal property.

[If a property owner brings an action in district court contesting an agency's exercise of eminent domain against that owner's property] In an eminent domain action under this chapter,
the court may:

(1) award court costs and a reasonable attorney fee, as determined by the court, to the condemnee, if the amount of the court or jury award for the property exceeds the amount offered by the agency;

(2) award a reasonable sum, as determined by the court or jury, as compensation for any costs and expenses of relocating an owner who occupied the acquired property, a party conducting a business on the acquired property, or a person displaced from the property, as permitted by Title 57, Chapter 12, Utah Relocation Assistance Act; and

(3) award an amount, as determined by the court or jury, to compensate for any fixtures or personal property that is:

(a) owned by the owner of the acquired property or by a person conducting a business on the acquired property; and

(b) damaged as a result of the acquisition or relocation.

Section 69. Section 17C-3-101.1 is enacted to read:

CHAPTER 3. ECONOMIC DEVELOPMENT

17C-3-101.1. Title.

This chapter is known as "Economic Development."

Section 70. Section 17C-3-101.2 is enacted to read:

17C-3-101.2. Applicability.

This chapter applies to an economic development project area plan adopted before May 10, 2016.

Section 71. Section 17C-3-101.5, which is renumbered from Section 17C-3-101 is renumbered and amended to read:

17C-3-101. Resolution authorizing the preparation of a proposed economic development project area plan -- Request to adopt resolution.

(1) A board may begin the process of adopting an economic development project area plan by adopting a resolution that authorizes the preparation of a proposed project area plan.

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

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

(c) The board may, in its sole discretion, grant or deny a request under Subsection (2)(a).

Section 72. Section 17C-3-102 is amended to read:

17C-3-102. Process for adopting an economic development project area plan -- Prerequisites -- Restrictions.

(1) In order to adopt an economic development project area plan, after adopting a resolution under Subsection 17C-3-101(1) the agency shall:

(a) prepare a proposed of an economic development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;

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

(c) provide notice of the plan hearing as provided in Part 4, Economic Development Notice Requirements] Chapter 1, Part 8, Hearings and Notice Requirements;

(d) hold a public hearing on the proposed project area plan and, at that public hearing:

(i) allow public comment on:

(A) the proposed project area plan; and

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

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

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

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

(i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and

(ii) whether to revise, approve, or reject the proposed project area plan;
(g) approve the [draft] proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-3-105; and

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

(2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:

(a) has a planning commission; and

(b) has adopted a general plan under:

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

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

(3) [An agency] A board may not approve a project area plan more than one year after the date of the plan hearing.

(4) (a) Except as provided in Subsection (4)(b), a [draft] proposed project area plan may not be modified to add real property to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Part 4, Economic Development Notice Requirements.

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

(i) the property is contiguous to the property already included in the proposed project area under the [draft] proposed project area plan; and

(ii) the record owner of the property consents to adding the real property to the proposed project area.

Section 73. Section 17C-3-103 is amended to read:

17C-3-103. Economic development project area plan requirements.

(1) Each economic development project area plan and [draft] proposed project area plan shall:

(a) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;

(b) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the
2757 economic development;
2758 (c) state the standards that will guide the economic development;
2759 (d) show how the purposes of this title will be attained by the economic development;
2760 (e) be consistent with the general plan of the community in which the project area is
2761 located and show that the economic development will conform to the community's general
2762 plan;
2763 (f) describe how the economic development will create additional jobs;
2764 (g) describe any specific project or projects that are the object of the proposed
2765 economic development;
2766 (h) identify how [private developers, if any,] a participant will be selected to undertake
2767 the economic development and identify each [private developer] participant currently involved
2768 in the economic development process;
2769 (i) state the reasons for the selection of the project area;
2770 (j) describe the physical, social, and economic conditions existing in the project area;
2771 (k) describe any tax incentives offered private entities for facilities located in the
2772 project area;
2773 (l) include an analysis, as provided in Subsection (2), of whether adoption of the
2774 project area plan is beneficial under a benefit analysis;
2775 (m) if any of the existing buildings or uses in the project area are included in or eligible
2776 for inclusion in the National Register of Historic Places or the State Register, state that the
2777 agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency; and
2778 (n) include other information that the agency determines to be necessary or advisable.
2779 (2) Each analysis under Subsection (1)(l) shall consider:
2780 (a) the benefit of any financial assistance or other public subsidy proposed to be
2781 provided by the agency, including:
2782 (i) an evaluation of the reasonableness of the costs of economic development;
2783 (ii) efforts the agency or [developer] participant has made or will make to maximize
2784 private investment;
2785 (iii) the rationale for use of tax increment, including an analysis of whether the
2786 proposed development might reasonably be expected to occur in the foreseeable future solely
2787 through private investment; and
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an estimate of the total amount of tax increment that will be expended in undertaking economic development and the length of time for which it will be expended; and

(b) the anticipated public benefit to be derived from the economic development, including:

(i) the beneficial influences upon the tax base of the community;
(ii) the associated business and economic activity likely to be stimulated; and
(iii) the number of jobs or employment anticipated to be generated or preserved.

Section 74. Section 17C-3-105 is amended to read:

17C-3-105. Board resolution approving an economic development project area plan -- Requirements.

Each board resolution approving a [draft] proposed economic development project area plan as the project area plan under Subsection 17C-3-102(1)(g) shall contain:

(1) a [legal] boundary description of the boundaries of the project area that is the subject of the project area plan;
(2) the agency's purposes and intent with respect to the project area;
(3) the project area plan incorporated by reference; and
(4) the board findings and determinations that:

(a) there is a need to effectuate a public purpose;
(b) there is a public benefit under the analysis described in Subsection 17C-3-103(2);
(c) it is economically sound and feasible to adopt and carry out the project area plan;
(d) the project area plan conforms to the community's general plan; and
(e) carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.

Section 75. Section 17C-3-107 is amended to read:

17C-3-107. Notice of economic development project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

(1) (a) Upon the community legislative body's adoption of an economic development project area plan, or an amendment to the project area plan under Section 17C-3-109, the legislative body shall provide notice as provided in Subsection (1)(b) by:

(i) publishing or causing to be published a notice:
(A) in a newspaper of general circulation within the agency's boundaries; or
(B) if there is no newspaper of general circulation within the agency's boundaries,
causing a notice to be posted in at least three public places within the agency's boundaries; and
(ii) on the Utah Public Notice Website described in Section 63F-1-701.
(b) Each notice under Subsection (1)(a) shall:
(i) set forth the community legislative body's ordinance adopting the project area plan
or a summary of the ordinance; and
(ii) include a statement that the project area plan is available for general public
inspection and the hours for inspection.
(2) The project area plan shall become effective on the date of:
(a) if notice was published under Subsection (1)(a), publication of the notice; or
(b) if notice was posted under Subsection (1)(a), posting of the notice.
(3) (a) For a period of 30 days after the effective date of the project area plan under
Subsection (2), any person in interest may contest the project area plan or the procedure used to
adopt the project area plan if the plan or procedure fails to comply with applicable statutory
requirements.
(b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
project area plan or procedure used to adopt the project area plan for any cause.
(4) Upon adoption of the economic development project area plan by the community's
legislative body, the agency may carry out the project area plan.
(5) Each agency shall make the adopted economic development project area plan
available to the general public at [its offices] the agency's office during normal business hours.
Section 76. Section 17C-3-108 is amended to read:
17C-3-108. Agency required to transmit and record documents after adoption of
economic development project area plan.
Within 30 days after the community legislative body adopts, under Section 17C-3-106,
an economic development project area plan, the agency shall:
(1) record with the recorder of the county in which the economic development project
area is located a document containing:
(a) a description of the land within the project area;
(b) a statement that the project area plan for the project area has been adopted; and
(c) the date of adoption;
(2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Automated Geographic Reference Center created under Section 63F-1-506; and

(3) for a project area plan that provides for the payment of tax increment to the agency, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:

(a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;

(b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect [its] the taxing entity's taxes through the county;

(c) the legislative body or governing board of each taxing entity;

(d) the State Tax Commission; and

(e) the State Board of Education.

Section 77. Section 17C-3-109 is amended to read:

17C-3-109. Amending an economic development project area plan.

(1) An adopted economic development project area plan may be amended as provided in this section.

(2) If an agency proposes to amend an adopted economic development project area plan to enlarge the project area:

(a) the requirements under this part that apply to adopting a project area plan apply equally to the proposed amendment as if it were a proposed project area plan;

(b) the base year taxable value for the new area added to the project area shall be determined under Subsection 17C-1-102(6)(a)(ii) using the date of the taxing entity committee's consent referred to in Subsection (2)(c); and

(c) the agency shall obtain the consent of the taxing entity committee before the agency may collect tax increment from the area added to the project area by the amendment.

(3) If a proposed amendment does not propose to enlarge an economic development project area, [an agency] a board may adopt a resolution approving an amendment to an adopted project area plan after:
(a) the agency gives notice, as provided in Section 17C-3-402, of the proposed amendment and of the public hearing required by Subsection (3)(b);

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

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

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

(ii) to permit the agency to receive a greater percentage of tax increment or to receive tax increment for a longer period of time than allowed under the adopted project area plan; and

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

(4) (a) An adopted project area plan may be amended without complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

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

(ii) subject to Subsection (4)(b), removes a parcel of real property from a project area because the agency determines that inclusion of the parcel is no longer necessary or desirable to the project area.

(b) An amendment removing a parcel of real property from a project area under Subsection (4)(a) may not be made without the consent of the record property owner of the parcel being removed.

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

(b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-3-107 and 17C-3-108 to the same extent as if the amendment
were a project area plan.

Section 78. Section 17C-3-201 is amended to read:

17C-3-201. Economic development project area budget -- Requirements for adopting -- Contesting the budget or procedure -- Time limit.

(1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 economic development project area plan with tax increment, the agency shall, subject to Section 17C-3-202, adopt a project area budget as provided in this part.

(b) An economic development project area budget adopted on or after March 30, 2009 shall specify:

(i) for a project area budget adopted on or after March 30, 2009:

(A) the number of tax years for which the agency will be allowed to receive tax increment from the project area; and

(B) the percentage of tax increment the agency is entitled to receive from the project area under the project area budget; and

(ii) for a project area budget adopted on or after March 30, 2013, unless approval is obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of tax increment that the agency may receive from the project area under the project area budget.

(2) To adopt an economic development project area budget, the agency shall:

(a) prepare a [draft] proposed of an economic development project area budget;

(b) make a copy of the [draft] proposed project area budget available to the public at the agency's offices during normal business hours;

(c) provide notice of the budget hearing as required by Part 4, Economic Development Notice Requirements;

(d) hold a public hearing on the [draft] proposed project area budget and, at that public hearing, allow public comment on:

(i) the [draft] proposed project area budget; and

(ii) whether the [draft] proposed project area budget should be revised, adopted, or rejected;

(e) (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing entity committee on the [draft] proposed project area budget or a revised version of the [draft] proposed project area budget; or

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(ii) if applicable, comply with the requirements of Subsection 17C-3-203(2);
(f) if approval of the taxing entity committee is required under Subsection (2)(e)(i),
obtain a written certification, signed by an attorney licensed to practice law in this state, stating
that the taxing entity committee followed the appropriate procedures to approve the project
area budget; and
(g) after the budget hearing, hold a board meeting in the same meeting as the public
hearing or in a subsequent meeting to:
(i) consider comments made and information presented at the public hearing relating to
the [draft] proposed project area budget; and
(ii) adopt by resolution the [draft] proposed project area budget, with any revisions, as
the project area budget.
(3) (a) For a period of 30 days after the agency's adoption of the project area budget
under Subsection (2)(g), any person in interest may contest the project area budget or the
procedure used to adopt the project area budget if the budget or procedure fails to comply with
applicable statutory requirements.
(b) After the 30-day period under Subsection (3)(a) expires, a person, for any cause,
may not contest:
(i) the project area budget or procedure used by either the taxing entity committee or
the agency to approve and adopt the project area budget;
(ii) a payment to the agency under the project area budget; or
(iii) the agency's use of tax increment under the project area budget.
Section 79. Section 17C-3-203 is amended to read:
17C-3-203. Consent of taxing entity committee required for economic
development project area budget -- Exception.
(1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
agency shall obtain the consent of the taxing entity committee for each economic development
project area budget under a post-June 30, 1993 economic development project area plan before
the agency may collect any tax increment from the project area.
(b) For an economic development project area budget adopted from July 1, 1998
through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided
in Section 17C-1-412, an agency:
(i) need not obtain the consent of the taxing entity committee for the project area
budget; and
(ii) may not collect any tax increment from all or part of the project area until after:
(A) the loan fund board has certified the project area budget as complying with the
requirements of Section 17C-1-412; and
(B) the [agency] board has approved and adopted the project area budget by a
two-thirds vote.

(2) (a) Before a taxing entity committee may consent to an economic development
project area budget adopted on or after May 1, 2000 that allocates 20% of tax increment for
housing under Subsection 17C-3-202(2)(a) or (3), the agency shall:
(i) adopt a housing plan showing the uses for the housing funds; and
(ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
board.
(b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

Section 80. Section 17C-3-206 is amended to read:

17C-3-206. Extending collection of tax increment under an economic
development project area budget.

(1) An amendment or extension approved by a taxing entity or taxing entity committee
before May 10, 2011, is not subject to this section.

(2) (a) An agency's collection of tax increment under an adopted economic
development project area budget may be extended by:
(i) following the project area budget amendment procedures outlined in Section
17C-3-205; or
(ii) following the procedures outlined in this section.
(b) The base taxable value for an urban renewal project area budget may not be altered
as a result of an extension under this section unless otherwise expressly provided for in an
interlocal agreement adopted in accordance with Subsection (3)(a).

(3) To extend under this section the agency's collection of tax increment from a taxing
entity under a previously approved project area budget, the agency shall:
(a) obtain the approval of the taxing entity through an interlocal agreement;
(b) (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a [draft] proposed project area budget; and
(ii) provide notice of the hearing:
(A) as required by Part 4, Economic Development Notice Requirements; and
(B) including the proposed period of extension of the project area budget; and
(c) after obtaining the approval of the taxing entity in accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving the extension.

(4) After the expiration of a project area budget, an agency may continue to receive tax increment from those taxing entities that have agreed to an extension through an interlocal agreement in accordance with Subsection (3)(a).

(5) (a) A person may contest the agency's adoption of a budget extension within 30 days after the day on which the agency adopts the resolution providing for the extension.
(b) A person who fails to contest a budget extension under Subsection (5)(a):
(i) shall forfeit any claim against the agency's adoption of the extension; and
(ii) may not contest:
(A) a payment to the agency under the budget, as extended; or
(B) an agency's use of tax increment under the budget, as extended.

Section 81. Section 17C-4-101.1 is enacted to read:

**CHAPTER 4. COMMUNITY DEVELOPMENT**

17C-4-101.1. Title.
This chapter is known as "Community Development."

Section 82. Section 17C-4-101.2 is enacted to read:

17C-4-101.2. Applicability.
This chapter applies to a community development project area plan adopted before May 10, 2016.

Section 83. Section 17C-4-101.5, which is renumbered from Section 17C-4-101 is renumbered and amended to read:

17C-4-101. Resolution authorizing the preparation of a community development proposed project area plan -- Request to adopt resolution.
(1) [An agency] A board may begin the process of adopting a community development project area plan by adopting a resolution that authorizes the preparation of a [draft] proposed
community development project area plan.

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

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

(c) The board may, in its sole discretion, grant or deny a request under Subsection (2)(a).

Section 84. Section 17C-4-102 is amended to read:

17C-4-102. Process for adopting a community development project area plan -- Prerequisites -- Restrictions.

(1) In order to adopt a community development project area plan, after adopting a resolution under Subsection 17C-4-101(1) the agency shall:

(a) prepare a proposed of a community development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;

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

(c) provide notice of the plan hearing as provided in Sections 17C-1-806 and 17C-1-808;

(d) hold a public hearing on the proposed project area plan and, at that public hearing:

(i) allow public comment on:

(A) the proposed project area plan; and

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

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

(e) after holding the plan hearing, at the same meeting or at one or more subsequent meetings consider:

(i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and
(ii) whether to revise, approve, or reject the [draft] proposed project area plan;
(f) approve the [draft] proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-4-104; and
(g) submit the project area plan to the community legislative body for adoption.

(2) An agency may not propose a community development project area plan under Subsection (1) unless the community in which the proposed project area is located:

(a) has a planning commission; and
(b) has adopted a general plan under:
(i) if the community is a [city or town] municipality, Title 10, Chapter 9a, Part 4, General Plan; or
(ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

(3) (a) Except as provided in Subsection (3)(b), a [draft] proposed project area plan may not be modified to add real property to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Sections 17C-4-402, 17C-1-806, and 17C-1-808.
(b) The notice and hearing requirements under Subsection (3)(a) do not apply to a [draft] proposed project area plan being modified to add real property to the proposed project area if:

(i) the property is contiguous to the property already included in the proposed project area under the [draft] proposed project area plan; and
(ii) the record owner of the property consents to adding the real property to the proposed project area.

Section 85. Section 17C-4-103 is amended to read:

17C-4-103. Community development project area plan requirements.

Each community development project area plan and [draft] proposed project area plan shall:

(1) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;
(2) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the community development;
(3) state the standards that will guide the community development;

(4) show how the purposes of this title will be attained by the community development;

(5) be consistent with the general plan of the community in which the project area is located and show that the community development will conform to the community's general plan;

(6) describe any specific project or projects that are the object of the proposed community development;

(7) identify how [private developers, if any,] a participant will be selected to undertake the community development and identify each [private developer] participant currently involved in the community development process;

(8) state the reasons for the selection of the project area;

(9) describe the physical, social, and economic conditions existing in the project area;

(10) describe any tax incentives offered private entities for facilities located in the project area;

(11) include an analysis or description of the anticipated public benefit to be derived from the community development, including:

(a) the beneficial influences upon the tax base of the community; and

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

(12) include other information that the agency determines to be necessary or advisable.

Section 86. Section 17C-4-104 is amended to read:

17C-4-104. Board resolution approving a community development project area plan -- Requirements.

Each board resolution approving a [draft] proposed community development project area plan as the project area plan under Subsection 17C-4-102(1)(f) shall contain:

(1) a [legal] boundary description of the boundaries of the project area that is the subject of the project area plan;

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

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

(4) the board findings and determinations that adoption of the community development project area plan will:

(a) satisfy a public purpose;
(b) provide a public benefit as shown by the analysis described in Subsection 17C-4-103(11);
(c) be economically sound and feasible;
(d) conform to the community's general plan; and
(e) promote the public peace, health, safety, and welfare of the community in which the project area is located.

Section 87. Section 17C-4-106 is amended to read:

17C-4-106. Notice of community development project area plan adoption — Effective date of plan — Contesting the formation of the plan.

(1) (a) Upon the community legislative body's adoption of a community development project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

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

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

(ii) publishing or causing to be published in accordance with Section 45-1-101.

(b) Each notice under Subsection (1)(a) shall:

(i) set forth the community legislative body's ordinance adopting the community development project area plan or a summary of the ordinance; and

(ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.

(2) The community development project area plan shall become effective on the date of:

(a) if notice was published under Subsection (1)(a), publication of the notice; or

(b) if notice was posted under Subsection (1)(a), posting of the notice.

(3) (a) For a period of 30 days after the effective date of the community development project area plan under Subsection (2), any person in interest may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.

(b) After the 30-day period under Subsection (3)(a) expires, no person may contest the community development project area plan or procedure used to adopt the project area plan for
any cause.

(4) Upon adoption of the community development project area plan by the community's legislative body, the agency may carry out the project area plan.

(5) Each agency shall make the adopted project area plan available to the general public at [its office] the agency's office during normal business hours.

Section 88. Section 17C-4-107 is amended to read:

17C-4-107. Agency required to transmit and record documents after adoption of community development project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-4-105, a community development project area plan, the agency shall:

(1) record with the recorder of the county in which the project area is located a
document containing:

(a) a description of the land within the project area;

(b) a statement that the project area plan for the project area has been adopted; and

(c) the date of adoption;

(2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Automated Geographic Reference Center created under Section 63F-1-506; and

(3) for a project area plan that provides for the payment of tax increment to the agency, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:

(a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;

(b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect [its] the taxing entity's taxes through the county;

(c) the legislative body or governing board of each taxing entity;

(d) the State Tax Commission; and

(e) the State Board of Education.

Section 89. Section 17C-4-108 is amended to read:
17C-4-108. Amending a community development project area plan.

(1) Except as provided in Subsection (2) and Section 17C-4-109, the requirements under this part that apply to adopting a community development project area plan apply equally to a proposed amendment of a community development project area plan as though the amendment were a proposed project area plan.

(2) (a) Notwithstanding Subsection (1), an adopted project area plan may be amended without complying with the notice and public hearing requirements of this part if the proposed amendment:

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

(ii) subject to Subsection (2)(b), removes a parcel of real property from a project area because the agency determines that inclusion of the parcel is no longer necessary or desirable to the project area.

(b) An amendment removing a parcel of real property from a community development project area under Subsection (2)(a)(ii) may not be made without the consent of the record property owner of the parcel being removed.

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

(b) Upon a community legislative body passing an ordinance adopting an amendment to a community development project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the same extent as if the amendment were a project area plan.

Section 90. Section 17C-4-109 is amended to read:

17C-4-109. Expedited community development project area plan.

(1) As used in this section, "tax increment incentive" means the portion of tax increment awarded to an industry or business.

(2) A community development project area plan may be adopted or amended without complying with the notice and public hearing requirements of this part and [Section 17C-4-402] Sections 17C-1-806 and 17C-1-808, if the following requirements are met:
(a) the agency determines by resolution adopted in an open and public meeting the need to create or amend a project area plan on an expedited basis, which resolution shall include a description of why expedited action is needed;

(b) a public hearing on the amendment or adoption of the project area plan is held by the agency;

(c) notice of the public hearing is published at least 14 days before the public hearing on:
   (i) the website of the community that created the agency; and
   (ii) the Utah Public Notice Website created in Section 63F-1-701;

(d) written consent to the amendment or adoption of the project area plan is given by all record property owners within the existing or proposed project area;

(e) each taxing entity [and public entity] that will be affected by the tax increment incentive enter into or amend an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, and Sections 17C-4-201, 17C-4-203, and 17C-4-204;

(f) the primary market for the goods or services that will be created by the industry or business entity that will receive a tax increment incentive from the amendment or adoption of the project area plan is outside of the state;

(g) the industry or business entity that will receive a tax increment incentive from the amendment or adoption of the project area plan is not primarily engaged in retail trade; and

(h) a tax increment incentive is only provided to an industry or business entity:
   (i) on a postperformance basis as described in Subsection (3); and
   (ii) on an annual basis after the tax increment is received by the agency.

(3) An industry or business entity may only receive a tax increment incentive under this section after entering into an agreement with the agency that sets postperformance targets that shall be met before the industry or business entity may receive the tax increment incentive, including annual targets for:

(a) capital investment in the project area;

(b) the increase in the taxable value of the project area;

(c) the number of new jobs created in the project area;

(d) the average wages of the jobs created, which shall be at least 110% of the prevailing wage of the county where the project area is located; and
(e) the amount of local vendor opportunity generated by the industry or business entity.

Section 91. Section 17C-4-201 is amended to read:

17C-4-201. Consent of a taxing entity to an agency receiving tax increment or sales tax funds for community development project.

(1) An agency may negotiate with a taxing entity for the taxing entity's consent to the agency receiving the taxing entity's sales and use tax revenue for the purpose of providing funds to carry out a proposed or adopted community development project area plan.

(2) The consent of a taxing entity under Subsection (1) may be expressed in:

(a) a resolution adopted by the taxing entity; or

(b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity and the agency.

(3) Before an agency may use tax increment or sales and use tax revenue collected under a resolution or interlocal agreement adopted for the purpose of providing funds to carry out a proposed or adopted community development project area plan, the agency shall:

(a) obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the resolution or interlocal agreement, respectively; and

(b) provide a signed copy of the certification described in Subsection (3)(a) to the appropriate taxing entity.

(4) A resolution adopted or interlocal agreement entered under Subsection (2) on or after March 30, 2009 shall specify:

(a) if the resolution or interlocal agreement provides for the agency to be paid tax increment:

(i) the method of calculating the amount of the taxing entity's tax increment from the project area that will be paid to the agency, including the agreed base year and agreed base taxable value;

(ii) the number of tax years that the agency will be paid the taxing entity's tax increment from the project area; and
(iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar amount of the taxing entity's tax increment that the agency will be paid; and

(b) if the resolution or interlocal agreement provides for the agency to be paid a [public] taxing entity's sales and use tax revenue:

(i) the method of calculating the amount of the [public] taxing entity's sales and use tax revenue that the agency will be paid;
(ii) the number of tax years that the agency will be paid the sales and use tax revenue;
and
(iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of sales and use tax revenue that the agency will be paid.

(5) (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's tax increment:

(i) that exceeds the percentage or maximum cumulative dollar amount of tax increment specified in the resolution or interlocal agreement under Subsection (2); or
(ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).

(b) Unless the [public] taxing entity otherwise agrees, an agency may not be paid a [public] taxing entity's sales and use tax revenue:

(i) that exceeds the percentage or maximum cumulative dollar amount of sales and use tax revenue specified in the resolution or interlocal agreement under Subsection (2); or
(ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).

(6) A school district may consent to an agency receiving tax increment from the school district's basic levy only to the extent that the school district also consents to the agency receiving tax increment from the school district's local levy.

(7) (a) A resolution or interlocal agreement under this section may be amended from time to time.

(b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the benefits of the provisions of this part to the same extent as if the amendment were an original resolution or interlocal agreement.

(8) A taxing entity's [or public entity's] consent to an agency receiving funds under this
section is not subject to the requirements of Section 10-8-2.

(9) (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing entity that:

(i) is created after the date of adoption of a resolution or execution of an interlocal agreement under this section; and

(ii) levies a tax on any parcel of property located within the project area that is the subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).

(b) A resolution or interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity.

Section 92. Section 17C-4-202 is amended to read:

17C-4-202. Resolution or interlocal agreement to provide project area funds for the community development project area plan -- Notice -- Effective date of resolution or interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability of resolution or interlocal agreement.

(1) The approval and adoption of each resolution or interlocal agreement under Subsection 17C-4-201(2) shall be in an open and public meeting.

(2) (a) Upon the adoption of a resolution or interlocal agreement under Section 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

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

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

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

(b) Each notice under Subsection (2)(a) shall:

(i) set forth a summary of the resolution or interlocal agreement; and

(ii) include a statement that the resolution or interlocal agreement is available for general public inspection and the hours of inspection.

(3) The resolution or interlocal agreement shall become effective on the date of:

(a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of the notice; or
(b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

(4) (a) For a period of 30 days after the effective date of the resolution or interlocal agreement under Subsection (3), any person in interest may contest the resolution or interlocal agreement or the procedure used to adopt the resolution or interlocal agreement if the resolution or interlocal agreement or procedure fails to comply with applicable statutory requirements.

(b) After the 30-day period under Subsection (4)(a) expires, a person may not, for any cause, contest:

(i) the resolution or interlocal agreement;

(ii) a payment to the agency under the resolution or interlocal agreement; or

(iii) the agency's use of [tax increment] project area funds under the resolution or interlocal agreement.

(5) Each agency that is to receive project area funds under a resolution or interlocal agreement under Section 17C-4-201 and each taxing entity [or public entity] that approves a resolution or enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal agreement, as the case may be, available at [its] the taxing entity's offices to the general public for inspection and copying during normal business hours.

Section 93. Section 17C-4-203 is amended to read:

17C-4-203. Requirement to file a copy of the resolution or interlocal agreement -- County payment of tax increment to the agency.

(1) Each agency that is to receive funds under a resolution or interlocal agreement under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or interlocal agreement, file a copy of it with:

(a) the State Tax Commission, the State Board of Education, and the state auditor; and

(b) the auditor of the county in which the project area is located, if the resolution or interlocal agreement provides for the agency to receive tax increment from the taxing entity [or public entity] that adopted the resolution or entered into the interlocal agreement.

(2) Each county that collects property tax on property within a community development project area shall, in the manner and at the time provided in Section 59-2-1365, pay and distribute to the agency the tax increment that the agency is entitled to receive under a resolution approved or an interlocal agreement adopted under Section 17C-4-201.
3377 Section 94. Section 17C-4-204 is amended to read:
3378
3379 17C-4-204. Adoption of a budget for a community development project area plan
3380 -- Amendment.
3381 (1) An agency may prepare and, by resolution adopted at a regular or special meeting
3382 of the [agency] board, adopt a budget setting forth:
3383 (a) the anticipated costs, including administrative costs, of implementing the
3384 community development project area plan; and
3385 (b) the tax increment, sales tax, and other revenue the agency anticipates receiving to
3386 fund the project.
3387 (2) An agency may, by resolution adopted at a regular or special meeting of the
3388 [agency] board, amend a budget adopted under Subsection (1).
3389 (3) Each resolution to adopt or amend a budget under this section shall appear as an
3390 item on the agenda for the regular or special [agency] board meeting at which the resolution is
3391 adopted without additional required notice.
3392 (4) An agency is not required to obtain approval of the taxing entity committee for a
3393 community development project area budget.
3394
3395 Section 95. Section 17C-5-101 is enacted to read:
3396
3397 CHAPTER 5. COMMUNITY REINVESTMENT
3398 Part 1. Community Reinvestment Project Area Plan
3399
3400 17C-5-101. Title.
3401 (1) This chapter is known as "Community Reinvestment."
3402 (2) This part is known as "Community Reinvestment Project Area Plan."
3403
3404 Section 96. Section 17C-5-102 is enacted to read:
3405
3406 17C-5-102. Applicability.
3407 This chapter applies to a community reinvestment project area plan.
3408
3409 Section 97. Section 17C-5-103 is enacted to read:
3410
3411 17C-5-103. Initiating a community reinvestment project area plan.
3412 (1) A board shall initiate the process of adopting a community reinvestment project
3413 area plan by adopting a survey area resolution that:
3414 (a) designates an area located within the agency's boundaries as a survey area;
3415 (b) contains a description or map of the boundaries of the survey area;
(c) contains a statement that the survey area requires study to determine whether project area development is feasible within one or more proposed community reinvestment project areas within the survey area; and
(d) authorizes the agency to:
(i) prepare a proposed community reinvestment project area plan for each proposed community reinvestment project area; and
(ii) conduct any examination, investigation, or negotiation regarding the community reinvestment project area plan that the agency considers appropriate.
(2) If an agency anticipates using eminent domain to acquire property within the survey area, the resolution described in Subsection (1) shall include:
(a) a statement that the survey area requires study to determine whether blight exists within the survey area; and
(b) authorization for the agency to conduct a blight study in accordance with Section 17C-5-407.
Section 98. Section 17C-5-104 is enacted to read:
17C-5-104. Process for adopting a community reinvestment project area plan --
Prerequisites -- Restrictions.
(1) If an agency anticipates using eminent domain to acquire property within the community reinvestment project area, before the agency adopts a community reinvestment project area plan under this section, the agency shall make a blight determination in accordance with Section 17C-5-406.
(2) To adopt a community reinvestment project area plan, an agency shall:
(a) prepare a proposed community reinvestment project area plan in accordance with Section 17C-5-105;
(b) make the proposed community reinvestment project area plan available to the public at the agency's office during normal business hours;
(c) before holding the plan hearing described in Subsection (2)(e), provide an opportunity for the State Board of Education and each taxing entity that levies a tax on property within the proposed community reinvestment project area to consult with the agency regarding the proposed community reinvestment project area plan;
(d) provide notice of the plan hearing in accordance with Section 17C-1-806;
(e) hold a plan hearing on the proposed community reinvestment project area plan and, at the public hearing:

(i) allow public comment on:

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

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

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

(f) following the plan hearing described in Subsection (1)(e) or at a subsequent agency meeting, consider:

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

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

(g) adopt a resolution approving the proposed community reinvestment project area plan, with or without revisions, as the community reinvestment project area plan by a resolution that complies with Section 17C-5-108; and

(h) submit the community reinvestment project area plan to the community legislative body for adoption.

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

(a) has a planning commission; and

(b) has adopted a general plan under:

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

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

(4) If applicable, a board may not approve a community reinvestment project area plan more than one year after adoption of a resolution making a finding of blight under Section 17C-5-406.

(5) (a) Except as provided in Subsection (5)(b), an agency may not modify a proposed community reinvestment project area plan to add real property to the proposed community
reinvestment project area unless the board holds a plan hearing to consider the addition and
gives notice of the plan hearing in accordance with Sections 17C-1-806 and 17C-1-808.
(b) The notice and hearing requirements described in Subsection (5)(a) do not apply to
a proposed community reinvestment project area plan being modified to add real property to
the proposed community reinvestment project area if:
(i) the property is contiguous to the property already included in the proposed
community reinvestment project area under the proposed community reinvestment project area
plan;
(ii) the record owner of the property consents to adding the real property to the
proposed community reinvestment project area; and
(iii) the property is located within the survey area.
Section 99. Section 17C-5-105 is enacted to read:
17C-5-105. Community reinvestment project area plan requirements.
(1) Each community reinvestment project area plan and proposed community
reinvestment project area plan shall:
(a) include a boundary description of the community reinvestment project area, subject
to Section 17C-1-414, if applicable;
(b) contain a general statement of the existing land uses, layout of principal streets,
population densities, and building intensities of the community reinvestment project area and
how each will be affected by the project area development;
(c) state the standards that will guide the project area development;
(d) show how the project area development will further purposes of this title;
(e) be consistent with the general plan of the community in which the community
reinvestment project area is located and show that the project area development will conform to
the community's general plan;
(f) if applicable, describe how project area development will eliminate or reduce blight
in the community reinvestment project area;
(g) describe any specific project area development that is the object of the community
reinvestment project area plan;
(h) identify:
(i) how the agency will select a participant; and
(ii) each participant currently undertaking project area development;

(i) state the reasons that the agency selected the community reinvestment project area;

(j) describe the physical, social, and economic conditions that exist in the community reinvestment project area;

(k) describe the types of financial assistance that the agency anticipates offering a participant;

(l) report the results of the public benefit analysis as described in Subsection (2);

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

(n) state whether the community reinvestment project area plan or proposed community reinvestment project area plan is subject to a taxing entity committee or an interlocal agreement; and

(o) include other information that the agency determines to be necessary or advisable.

(2) (a) An agency shall conduct an analysis in accordance with Subsection (2)(b) to determine whether the community reinvestment project area plan will provide a public benefit.

(b) The analysis described in Subsection (2)(a) shall consider:

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

(A) an evaluation of the reasonableness of the costs of the project;

(B) efforts that have been or will be to maximize private investment;

(C) the rationale for use of project area funds, including an analysis of whether the proposed project area development might reasonably be expected to occur in the foreseeable future solely through private investment; and

(D) an estimate of the total amount of project area funds that the agency expend undertaking project area development and the length of time for which project area funds will be expended; and

(ii) the anticipated public benefit derived from the project, including:

(A) the beneficial influences upon the tax base of the community;

(B) the associated business and economic activity the project will likely stimulate; and
(C) whether adoption of the community reinvestment project area plan is necessary and appropriate to undertake project area development.

Section 100. Section 17C-5-106 is enacted to read:

**17C-5-106. Existing and historic buildings and uses in a community reinvestment project area.**

(1) This section only applies to a community reinvestment project area for which the agency has made a finding of blight under Subsection 17C-5-406.

(2) If any of the existing buildings or uses in a community reinvestment project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, the agency shall comply with Section 9-8-404 as though the agency were a state agency.

Section 101. Section 17C-5-107 is enacted to read:

**17C-5-107. Objections to a community reinvestment project area plan.**

(1) At any time before or during a plan hearing, a person may file with the agency a written statement of objections to the proposed community reinvestment project area plan.

(2) If at the time of the plan hearing, the record property owners of at least 51% of the private land area within the proposed community reinvestment project area object in writing to the proposed community reinvestment project area plan, an agency shall not approve the community reinvestment project area plan.

Section 102. Section 17C-5-108 is enacted to read:

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

Each board resolution approving a proposed community reinvestment area plan as the community reinvestment project area plan under Subsection 17C-5-104(2)(g) shall contain:

(1) a legal description of the boundaries of the community reinvestment project area that is the subject of the community reinvestment project area plan;

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

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

(4) the board findings and determinations that:

(a) there is a need to effectuate a public purpose;
17C-5-109. Community reinvestment project area plan to be adopted by community legislative body.

(1) A community reinvestment project area plan approved by board resolution under Section 17C-5-104 may not take effect until:

(a) the community reinvestment project area plan is adopted by ordinance of the legislative body of the community that created the agency; and

(b) the community legislative body provides notice under Section 17C-5-110.

(2) Each ordinance described in Subsection (1)(a) shall:

(a) be adopted by the community legislative body after the board adopts a resolution under Section 17C-5-104; and

(b) designate the community reinvestment project area plan as the official plan of the community reinvestment project area.

17C-5-110. Notice of community reinvestment project area plan adoption - Effective date of plan - Contesting the formation of the plan.

(1) (a) Upon a community legislative body's adoption of a community reinvestment project area plan, or an amendment to a community reinvestment project area plan under Section 17C-5-112, the community legislative body shall provide notice in accordance with Subsection (1)(b) by:
(i) (A) causing a notice to be published in a newspaper of general circulation within the agency's boundaries; or

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

(ii) posting a notice on the Utah Public Notice Website described in Section 63F-1-701.

(b) A notice described in Subsection (1)(a) shall include:

(i) a copy of the community legislative body's ordinance, or a summary of the ordinance, that adopts the community reinvestment project area plan; and

(ii) a statement that the community reinvestment project area plan is available for general public inspection and the hours for inspection.

(2) A community reinvestment project area plan is effective on the date of:

(a) if notice is published or posted in accordance Subsection (1)(a)(i), publication of the notice; or

(b) if notice is posted in accordance Subsection (1)(a)(ii), posting of the notice.

(3) (a) For a period of 30 days after the day on which the community reinvestment project area plan is effective, a person in interest may contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan if the community reinvestment project area plan or the procedure fails to comply with a provision of this title.

(b) After the 30-day period described in Subsection (3)(a) expires, no person may contest the community reinvestment project area plan or procedure used to adopt the community reinvestment project area plan for any cause.

(4) Upon adoption of the community reinvestment project area plan by the community's legislative body, the agency may implement the community reinvestment project area plan.

(5) The agency shall make the adopted community reinvestment project area plan available to the public at the agency's office during normal business hours.

Section 105. Section 17C-5-111 is enacted to read:

**17C-5-111. Agency required to transmit and record documentation after adoption of community reinvestment project area plan.**
Within 30 days after the day on which the community legislative body adopts a community reinvestment project area plan under Section 17C-5-109, the agency shall:

(1) record with the recorder of the county in which the community reinvestment project area is located a document containing:
   (a) the name of the community reinvestment project area;
   (b) a boundary description of the community reinvestment project area;
   (c) a statement that the community legislative body adopted the community reinvestment project area plan; and
   (d) the date of adoption;

(2) transmit a copy of the description of the land within the community reinvestment project area and an accurate map or plat indicating the boundaries of the community reinvestment project area to the Automated Geographic Reference Center created in Section 63F-1-506; and

(3) for a community reinvestment project area plan that provides for the payment of tax increment to the agency, transmit a copy of the description of the land within the community reinvestment project area, a copy of the community legislative body ordinance adopting the community reinvestment project area plan, and a map or plat indicating the boundaries of the community reinvestment project area to:
   (a) the auditor, recorder, county or district attorney, surveyor, and assessor of each county in which any part of the community reinvestment project area is located;
   (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
   (c) the legislative body or governing board of each taxing entity;
   (d) the State Tax Commission; and
   (e) the State Board of Education.

Section 106. Section 17C-5-112 is enacted to read:

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

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

(2) If an agency proposes to amend a community reinvestment project area plan to
enlarge the community reinvestment project area:

(a) subject to Subsection (2)(c), the agency shall comply with this part as though the agency was adopting a community reinvestment project area plan;

(b) before the agency may collect project area funds from the area added to the community reinvestment project area by amendment, the agency shall obtain the consent:

(i) for a community reinvestment project area plan that is subject to a taxing entity committee, from the taxing entity committee; or

(ii) for a community reinvestment project area plan that is subject to an interlocal agreement, from each taxing entity with which the agency has an interlocal agreement;

(c) (i) except as provided in Subsection (2)(c)(ii), if the agency has made a finding regarding the existence of blight in the area proposed to be added to the community reinvestment project area, the agency shall follow the procedure described in Subsection 17C-5-406(1);

(ii) the agency need not make a finding regarding the existence of blight in the community reinvestment project area as described in the original community reinvestment project area plan if the agency made a finding of the existence of blight regarding that community reinvestment project area in connection with adoption of the original community reinvestment project area plan.

(3) If a proposed amendment does not propose to enlarge the geographic area of the community reinvestment project area, a board may adopt a resolution approving the amendment after the agency:

(a) gives notice, in accordance with Section 17C-1-806, of the proposed amendment and of the public hearing described in Subsection (3)(b);

(b) holds a public hearing on the proposed amendment that meets the requirements described in Section 17C-5-104(2);

(c) obtains either the taxing entity committee's consent to the amendment or consent of a taxing entity by interlocal agreement, if the amendment proposes:

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

(ii) to permit the agency to receive a greater percentage of tax increment or to receive tax increment for a longer period of time, or both, than allowed under the community
reinvestment project area plan; and

(d) obtains the consent of the legislative body or governing board of each affected
taxing entity, if the amendment proposes to permit the agency to receive, from less than all
taxing entities, a greater percentage of tax increment or to receive tax increment for a longer
period of time, or both, than allowed under the adopted community reinvestment project area
plan.

(4) (a) An agency may amend a community reinvestment project area plan without
complying with the notice and public hearing requirements described in Subsections (2)(a) and
(3)(a) and (b) and without obtaining taxing entity committee or taxing entity approval under
Subsection (3)(c) if the amendment:

(i) makes a minor adjustment in the community reinvestment project area boundary
that is requested by a county assessor or county auditor to avoid inconsistent property boundary
lines; or

(ii) subject to Subsection (4)(b), removes a parcel of real property from a community
reinvestment project area because the agency determines that:

(A) the parcel is no longer blighted; or

(B) inclusion of the parcel is no longer necessary or desirable to the community
reinvestment project area.

(b) An agency may not amend a community reinvestment project area plan to remove a
parcel of real property from a community reinvestment project area under Subsection (4)(a)(ii)
without the consent of the record property owner of the parcel being removed.

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

(b) Upon a community legislative body adopting an ordinance that amends a
community reinvestment project area plan, the agency shall comply with the requirements
described in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community
reinvestment project area plan.

Section 107. Section 17C-5-113 is enacted to read:

17C-5-113. Expedited community reinvestment project area plan.
(1) As used in this section, "tax increment incentive" means the portion of an agency's tax increment that is given to an industry or business for the purpose of implementing a community reinvestment project area plan.

(2) As provided in this section, an agency may expedite a community reinvestment project area plan adoption or amendment for the purpose of providing a tax increment incentive.

(3) An agency may adopt or amend a community reinvestment project area plan without complying with the notice and public hearing requirements of Chapter 1, Part 8, Hearings and Notice Requirements, if:

   (a) the agency:
      (i) holds a public hearing to consider the need to create or amend a community reinvestment project area plan on an expedited basis;
      (ii) posts notice at least 14 days before the day on which the public hearing described in Subsection (3)(a)(i) is held on:
         (A) the community that created the agency's website; and
         (B) the Utah Public Notice Website as described in Section 63F-1-701; and
      (iii) at the hearing described in this Subsection (3)(a)(i), the agency adopts a resolution to create or amend a community reinvestment project area plan on an expedited basis;
   (b) all record property owners within the existing or proposed community reinvestment project area plan give written consent;
   (c) each taxing entity affected by the tax increment incentive consents and enters into an interlocal agreement with the agency; and
   (d) the industry or business entity receiving a tax increment incentive from the amendment or adoption of the community reinvestment project area plan:
      (i) has a primary market for the industry's or business entity's goods or services outside of the state;
      (ii) is not primarily engaged in retail trade; and
      (ii) is paid a tax increment incentive on:
         (A) a postperformance basis as described in Subsection (4); and
         (b) an annual basis after the agency receives tax increment from a taxing entity.

(4) (a) Before an agency may award a tax increment incentive, the agency and a
business or industry shall execute an agreement that sets annual postperformance targets for:

(i) capital investment within the community reinvestment project area;
(ii) the number of new jobs created within the community reinvestment project area;
(iii) the average wage of the jobs created under Subsection (4)(a)(ii) that shall be at least 110% of the prevailing wage of the county within the community reinvestment project area; and
(iv) the amount of local vendor opportunity generated by the industry or business entity.

(b) An industry or business entity shall not receive a tax increment incentive until the industry or business entity complies with the agreement and postperformance targets described in Subsection (4)(a).

Section 108. Section 17C-5-201 is enacted to read:

Part 2. Community Reinvestment Project Area Funds

17C-5-201. Title.
This part is known as "Community Reinvestment Project Area Funds."

Section 109. Section 17C-5-202 is enacted to read:

17C-5-202. Community reinvestment project area funding options.
(1) For the purpose of funding project area development within a community reinvestment project area, an agency shall:
(a) create a taxing entity committee as described in Section 17C-1-403 and collect tax increment in accordance with Section 17C-5-203; or
(b) negotiate and enter into an interlocal agreement with a taxing entity in accordance with Section 17C-5-205 and collect all or a portion of the taxing entity's tax increment or sales and use tax revenue in accordance with the interlocal agreement.
(2) Notwithstanding the agency's election under Subsection (1), the agency shall comply with Chapter 5, Part 3, Community Reinvestment Project Area Budget.
(3) An agency may only exercise eminent domain under Chapter 5, Part 4, Eminent Domain in a Community Reinvestment Area, if the agency creates a taxing entity committee as described in Subsection (1)(a).

Section 110. Section 17C-5-203 is enacted to read:

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

(1) This section applies to a community reinvestment project area that is subject to a taxing entity committee.

(2) Subject to the taxing entity committee's approval of a community reinvestment project area budget under Section 17C-5-306, and for the purpose of implementing a community reinvestment project area plan, a board may receive up to 100% of a taxing entity's tax increment, or any specified dollar amount of tax increment for any period of time.

(3) A community reinvestment project area that is subject to a taxing entity committee may negotiate and enter into an interlocal agreement with a taxing entity to receive all or a portion of the taxing entity's sales and use tax revenue.

Section 111. Section 17C-5-204 is enacted to read:

17C-5-204. Extending collection of project area funds in a community reinvestment project area.

(1) After a community reinvestment project area budget expires, an agency may continue to receive project area funds as provided in this section.

(2) (a) Subject to Subsection (4), an agency may extend the collection of project area funds by following the community reinvestment project area budget amendment procedures described in Section 17C-5-308.

(3) An extension under this section shall be approved by:

(a) for a community reinvestment project area plan that is subject to a taxing entity committee, the taxing entity committee; or

(b) for a community reinvestment project area plan that is subject to an interlocal agreement, the taxing entity that is party to the interlocal agreement.

(4) Before a taxing entity committee or taxing entity may approve an extension, the agency shall provide:

(a) the reasons why the extension is required;

(b) a description of the project area development for which the extended project area funds will be used;

(c) a statement of whether the extended project area funds will be used within an active project area or a proposed project area; and

(d) a revised community reinvestment project area budget that includes:
(i) the annual and total amount of project area funds that the agency collects under the extension; and

(ii) the number of years that the agency collects project area funds under the extension.

(5) A taxing entity committee or taxing entity party to an interlocal agreement may consent to:

(a) allow an agency to use project area funds collected under an extension within a different or a new project area from which the project area funds are generated; or

(b) alter the base taxable value for a community reinvestment project area budget.

Section 112. Section 17C-5-205 is enacted to read:

17C-5-205. Community reinvestment project area subject to interlocal agreement - Consent of a taxing entity to an agency receiving project area funds.

(1) As used in this section, "successor taxing entity" means any taxing entity that:

(a) is created after the date of execution of an interlocal agreement under this section; and

(b) levies or imposes a tax within the community reinvestment project area that is the subject of the interlocal agreement described in Subsection (4).

(2) This section applies to a community reinvestment project area that is subject to an interlocal agreement under 17C-5-202(1)(b).

(3) For the purpose of implementing a community reinvestment project area plan, an agency may negotiate with a taxing entity for all or a portion of the taxing entity's tax increment or sales and use tax revenue.

(4) A taxing entity may consent to paying an agency the taxing entity's tax increment or sales and use tax revenue by executing an interlocal agreement with the agency.

(5) Before an agency may use tax increment or sales and use tax revenue collected under an interlocal agreement, the agency shall:

(a) obtain a written certification, signed by an attorney licensed to practice law in the state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption the interlocal agreement; and

(b) provide a signed copy of the certification described in Subsection (5)(a) to the taxing entity.

(6) An interlocal agreement described in Subsection (4) shall specify:
(a) if the interlocal agreement provides for the taxing entity to pay tax increment:
   (i) the method of calculating the amount of the taxing entity's tax increment from the
   community reinvestment project area that the taxing entity will pay to the agency, including the
   base year and base taxable value;
   (ii) the number of tax years that the taxing entity will pay the taxing entity's tax
   increment from the community reinvestment project area; and
   (iii) the percentage of the taxing entity's tax increment or the maximum cumulative
   dollar amount of the taxing entity's tax increment that the taxing entity will pay the agency; and
(b) if the interlocal agreement provides for the taxing entity to pay the agency the
   taxing entity's sales and use tax revenue:
   (i) the method of calculating the amount of the taxing entity's sales and use tax revenue
   that the taxing entity will pay the agency;
   (ii) the number of tax years that the taxing entity will pay the taxing entity's sales and
   use tax revenue; and
   (iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of
   sales and use tax revenue that the taxing entity will pay the agency.

(7) Unless the taxing entity otherwise agrees, an agency may not receive a taxing
entity's project area funds:
   (a) that exceeds the percentage or maximum cumulative dollar amount of tax
   increment specified in the interlocal agreement; or
   (b) for more tax years than specified in the interlocal agreement.

(8) A school district may consent to an agency receiving tax increment from the school
district's basic levy only to the extent that the school district also consents to the agency
receiving tax increment from the school district's local levy.

(9) An interlocal agreement under this section may be amended by consent of the
parties.

(10) A taxing entity's consent to an agency receiving funds under this section is not
subject to the requirements of Section 10-8-2.

(11) An interlocal agreement executed by a taxing entity under this section may be
enforced by or against any successor taxing entity.

Section 113. Section 17C-5-206 is enacted to read:

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17C-5-206. Interlocal agreement to provide project area funds for the community reinvestment project area subject to interlocal agreement -- Notice -- Effective date of interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal agreement.

(1) The approval and adoption of each interlocal agreement under Subsection 17C-5-205 shall be in an open and public meeting.

(2) (a) Upon the execution of an interlocal agreement, the agency shall provide notice in accordance with Subsection (2)(b) by:

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

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

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

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

(i) set forth a summary of the interlocal agreement; and

(ii) include a statement that the interlocal agreement is available for general public inspection and the hours of inspection.

(3) The interlocal agreement is effective on the day on which:

(a) if notice is published under Subsection (2)(a)(i)(A) or (2)(a)(ii), the notice is published; or

(b) if notice is posted under Subsection (2)(a)(i)(B), the notice is posted.

(4) (a) For a period of 30 days after the effective date of the interlocal agreement, a person in interest may contest the interlocal agreement or the procedure used to adopt the interlocal agreement if the interlocal agreement or procedure fails to comply with applicable statutory requirements.

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

(i) the interlocal agreement;

(ii) a payment to the agency under the interlocal agreement; or

(iii) the agency's use of project area funds under the interlocal agreement.
(5) A taxing entity that enters into an interlocal agreement under Section 17C-5-205 shall make a copy of the interlocal agreement available at the taxing entity's office to the public for inspection and copying during normal business hours.

Section 114. Section 17C-5-207 is enacted to read:

17C-5-207. Requirement to file a copy of the interlocal agreement -- County payment of tax increment.

(1) An agency that receives project area funds under an interlocal agreement shall, within 30 days after the effective date of the interlocal agreement, file a copy of the interlocal agreement with:

(a) the State Tax Commission, the State Board of Education, and the state auditor; and

(b) the auditor of the county in which the community reinvestment project area is located, if the interlocal agreement provides for the agency to receive tax increment from the taxing entity that entered into the interlocal agreement.

(2) A county that collects property tax on property within a community reinvestment project area that is subject to interlocal agreement shall, in accordance with Section 59-2-1365, pay and distribute to the agency the tax increment that the agency is entitled to receive under the interlocal agreement.

Section 115. Section 17C-5-301 is enacted to read:

Part 3. Community Reinvestment Project Area Budget

17C-5-301. Title.

This part is known as "Community Reinvestment Project Area Budget."

Section 116. Section 17C-5-302 is enacted to read:

17C-5-302. Requirements for adopting a community reinvestment project area budget - Contesting the budget - Time limit.

(1) An agency shall adopt a community reinvestment project area budget as provided in this part.

(2) To adopt a community reinvestment project area budget, an agency shall:

(a) prepare a proposed community reinvestment project area budget in accordance with Section 17C-5-303;

(b) make a copy of the proposed community reinvestment project area budget available to the public at the agency's office during normal business hours;
(c) provide notice of the budget hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
(d) hold a public hearing on the proposed community reinvestment project area budget and, at that public hearing, allow public comment on:
(i) the proposed community reinvestment project area budget; and
(ii) whether the agency should revise, adopt, or reject the proposed community reinvestment project area budget;
(e) comply with the requirements of Section 17C-5-306;
(f) obtain a written certification, signed by an attorney licensed to practice law in the state, stating that the taxing entity committee followed the appropriate procedures to approve the community reinvestment project area budget; and
(g) after the budget hearing, hold a board meeting in the same meeting as the budget hearing or in a subsequent meeting to:
(i) consider comments made and information presented at the budget hearing relating to the proposed community reinvestment project area budget; and
(ii) adopt by resolution the proposed community reinvestment project area budget, with any revisions, as the community reinvestment project area budget.
(3) (a) For a period of 30 days after the day on which the agency adopts the community reinvestment project area budget under Subsection (2)(g), a person in interest may contest the community reinvestment project area budget or the procedure used to adopt the community reinvestment project area budget if the community reinvestment project area budget or procedure fails to comply with applicable statutory requirements.
(b) After the 30-day period described in Subsection (3)(a) expires, no person may contest:
(i) the community reinvestment project area budget or the procedure used by the taxing entity, the taxing entity committee, or the agency to approve and adopt the community reinvestment project area budget;
(ii) a payment to the agency under the community reinvestment project area budget; or
(iii) the agency's use of project area funds under the community reinvestment project area budget.
Section 117. Section 17C-5-303 is enacted to read:
A community reinvestment project area budget shall include:

1. If the agency receives tax increment:
   a. the base taxable value of property in the community reinvestment project area;
   b. the projected tax increment to be generated within the community reinvestment project area;
   c. the amount of tax increment to be shared with other taxing entities in accordance with Section 17C-1-411;
   d. whether the area from which tax increment will be collected is less than the entire community reinvestment project area, or if tax increment will be taken from different portions of the community reinvestment project area during different periods of time:
      i. the tax identification number of each parcel from which tax increment will be collected; or
      ii. a legal description of the portion or portions of the community reinvestment project area from which the agency will collect tax increment;
   e. the percentage of tax increment the agency is entitled to receive from the community reinvestment project area under the community reinvestment project area budget; and
   f. the maximum cumulative dollar amount of tax increment the agency may receive from the community reinvestment project area under the community reinvestment project area budget;

2. If the agency will receive sales and use tax revenue:
   a. the amount of sales and use tax revenue to be paid to the agency;
   b. the number of tax years for which the agency is allowed to receive tax increment from the community reinvestment project area; and
   c. (i) the number of years that the agency is entitled to receive sales and use tax revenue; and
      (ii) the percentage and total amount of sales and use tax revenue the agency expects to receive;

3. The amount of project area funds the agency will use to implement the community reinvestment project area plan, including the estimated amount of project area funds that will
be used for land acquisition, public improvements, infrastructure improvements, and any loans, grants, or other incentives to private or public entities;

(4) the project area funds that will be used to cover the cost of administering the community reinvestment project area plan; and

(5) for property that the agency owns and expects to sell, the expected total cost of the property to the agency and the expected selling price.

Section 118. Section 17C-5-304 is enacted to read:

17C-5-304. Combined incremental value -- Restriction against adopting a community reinvestment project area budget -- Taxing entity committee may waive restriction.

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

(2) (a) A taxing entity committee may waive the provisions of Subsection (1).

(b) Subsection (1) does not apply if the agency makes a finding of blight in the community reinvestment project area under Subsection 17C-5-406.

Section 119. Section 17C-5-305 is enacted to read:

17C-5-305. Consent of each taxing entity or taxing entity committee required for community reinvestment project area budget.

(1) Before an agency may collect any project funds from a community reinvestment project area, the agency shall obtain consent for each community reinvestment project area budget:

(a) for a community reinvestment project area that is subject to interlocal agreement, from each taxing entity with which the agency has an interlocal agreement; or

(b) for a community reinvestment project area that is subject to a taxing entity committee, from the taxing entity committee.

Section 120. Section 17C-5-306 is enacted to read:

17C-5-306. Filing a copy of the community reinvestment project area budget.

An agency that adopts a community reinvestment project area budget shall within 30
4028 days after the day on which the agency adopts the community reinvestment project area budget.
4029 file a copy of the community reinvestment project area budget with the auditor of the county in
4030 which the community reinvestment project area is located, the State Tax Commission, the state
4031 auditor, the State Board of Education, and each taxing entity affected by the agency's collection
4032 of project area funds under the community reinvestment project area budget.
4033
4034 Section 121. Section 17C-5-307 is enacted to read:
4035
17C-5-307. Amending a community reinvestment project area plan budget.
4036 (1) An agency may, by resolution, amend a community reinvestment project area
4037 budget in accordance with this section.
4038 (2) To amend a community reinvestment project area budget, the agency shall:
4039 (a) advertise and hold a public hearing on the proposed amendment as provided in
4040 accordance with Subsection (3):
4041 (b) obtain the approval of the taxing entity committee or a taxing entity through
4042 interlocal agreement to the same extent that the agency was required for the community
4043 reinvestment project area budget as originally adopted;
4044 (c) obtain a written certification, signed by an attorney licensed to practice law in the
4045 state, stating that the taxing entity committee or taxing entity followed the appropriate
4046 procedures to approve the amended community reinvestment project area budget; and
4047 (d) adopt a resolution amending the community reinvestment project area budget.
4048 (3) The public hearing required under Subsection (2)(a) shall be conducted in
4049 accordance with Chapter 1, Part 8, Hearings and Notice Requirements, except that if the
4050 amended community reinvestment project area budget proposes that the agency be paid a
4051 greater proportion of tax increment from a community reinvestment project area than was to be
4052 paid under the original community reinvestment project area budget, the notice shall state the
4053 percentage paid under the previous community reinvestment project area budget and the
4054 percentage proposed under the amended community reinvestment project area budget.
4055 (4) If the agency does not adopt a proposed amendment, the agency shall continue to
4056 operate under the previously adopted community reinvestment project area budget without the
4057 proposed amendment.
4058 (5)(a) A person may contest the agency's adoption of an amended community
4059 reinvestment project area budget within 30 days after the day on which the agency adopts the
amended community reinvestment project area budget.

(b) A person who fails to contest an amended community reinvestment project area
budget under Subsection (5)(a):

(i) forfeits any claim against an agency's adoption of the amended community
reinvestment project area budget; and

(ii) may not contest:

(A) a payment to the agency under the amended community reinvestment project area
budget; or

(B) an agency's use of project area funds under the amended community reinvestment
project area budget.

Section 122. Section 17C-5-401 is enacted to read:

Part 4. Eminent Domain in a Community Reinvestment Project Area

17C-5-401. Title.

This part is known as "Eminent Domain in a Community Reinvestment Project Area."

Section 123. Section 17C-5-402 is enacted to read:

17C-5-402. Use of eminent domain in community reinvestment project area --

Blight determination -- Taxing entity committee requirement.

(1) Except as provided in Section 17C-1-207 and Subsection (2), an agency may not
use eminent domain to acquire property.

(2) Subject to Section 17C-5-403, an agency may in accordance with Title 78B,
Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire property within a
community reinvestment project area if:

(a) the agency makes a finding of blight under Section 17C-5-406;

(b) the community reinvestment project area plan provides for the use of eminent
domain;

(c) the agency creates a taxing entity committee as described in Subsection
17C-5-202(1)(a); and

(d) the agency commences the acquisition of the property within five years after the
effective date of the community reinvestment project area plan.

Section 124. Section 17C-5-403 is enacted to read:

17C-5-403. Prerequisites to the acquisition of property by eminent domain -- Civil
(1) Before an agency may acquire property by eminent domain, the agency shall:
   (a) negotiate in good faith with the affected record property owner;
   (b) provide to each affected record property owner a written declaration that includes:
      (i) an explanation of the eminent domain process and the reasons for using eminent domain, including:
         (A) the need for the agency to obtain an independent appraisal that indicates the fair market value of the property and how the fair market value is determined;
         (B) a statement that the agency may adopt a resolution authorizing the agency to make an offer to the record property owner to purchase the property for the fair market value amount determined by the independent appraiser and that, if the offer is rejected, the agency has the right to acquire the property through an eminent domain proceeding; and
         (C) a statement that the agency will prepare an offer that will include the price the agency is offering for the property, an explanation of how the agency determined the price being offered, the legal description of the property, conditions of the offer, and the time at which the offer will expire;
      (ii) an explanation of the record property owner's relocation rights under Title 57, Chapter 12, Utah Relocation Assistance Act, and how to receive relocation assistance; and
      (iii) a statement that the record property owner has the right to receive just compensation and an explanation of how to obtain just compensation; and
   (c) provide to the affected record property owner, or the owner's designated representative, a notice that is printed in at least ten-point type and contains:
      (i) a description of the property to be acquired;
      (ii) the name of the agency acquiring the property and the agency's contact person and telephone number; and
      (iii) a copy of Title 57, Chapter 12, Utah Relocation Assistance Act.
(2) A person may bring a civil action against an agency for a violation of Subsection (1)(b) that results in damage to the person.
(3) Each agency shall keep a record and evidence of the good faith negotiations required under Subsection (1)(a) and retain the record and evidence as provided in:
   (a) Title 63G, Chapter 2, Government Records and Access and Management Act; or
(b) an ordinance or policy that the agency has adopted under Section 63G-2-701.

(4) A record property owner whose property is the subject of an agency's exercise of eminent domain may elect to receive for the real property being take:

(a) fair market value; or

(b) replacement property under Section 57-12-7.

Section 125. Section 17C-5-404 is enacted to read:

17C-5-404. Acquiring single family owner occupied residential property or commercial property -- Acquiring property already devoted to a public use -- Relocation assistance requirement.

(1) As used in this section:

(a) "Commercial property" means real property used, in whole or in part, by the owner or possessor of the property for a commercial, industrial, retail, or other business purpose, regardless of the identity of the property owner.

(b) "Owner occupied property" means private real property that is:

(i) used for single-family residential or commercial; and

(ii) occupied by the owner of the property.

(c) "Relevant area" mean:

(i) except as provided in Subsection (2)(a)(iii)(B), the community reinvestment project area; or

(ii) the area included within a phase of a project under a community reinvestment project area plan if the phase and the area included within the phase are described in the community reinvestment project area plan.

(2) For purposes of each provision of this section relating to the submission of a petition by the owners of property, a parcel of real property is included in the calculation of the applicable percentage if the petition is signed by:

(a) except as provided in Subsection (2)(b), owners representing a majority ownership interest in that parcel; or

(b) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel.

(3) An agency may not acquire by eminent domain a residential owner occupied property unless:
(a) the owner consents; or
(b) (i) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 80% of the owner occupied property within the relevant area representing at least 70% of the value of owner occupied property within the relevant area;
(ii) a written petition of 90% of the owners of real property, including property owned by the agency or a public entity within the community reinvestment project area is submitted to the agency, requesting the use of eminent domain to acquire property; or
(iii) 2/3 of all board members vote in favor of using eminent domain to acquire the property.

(4) An agency may not acquire commercial property by eminent domain unless:
(a) the property is determined to be blighted in accordance with Section 17C-5-406;
(b) the owner consents; or
(c) (i) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 75% of the commercial property within the relevant area representing at least 60% of the value of commercial property within the relevant area; and
(ii) 2/3 of all board members vote in favor of using eminent domain to acquire the property.

(5) An agency may not acquire any real property on which an existing building is to be continued on the building's present site and in the building's present form and use unless:
(a) the property is determined to be blighted in accordance with 17C-5-406;
(b) the owner consents; or
(c) (i) the building requires structural alteration, improvement, modernization, or rehabilitation;
(ii) the site or lot on which the building is situated requires modification in size, shape, or use; or
(iii) (A) it is necessary to impose upon the property any of the standards, restrictions, and controls of the community reinvestment project area plan; and
(B) the owner fails or refuses to agree to participate in the community reinvestment
project area plan.

(6) An agency that acquires property by eminent domain shall comply with Title 57, Chapter 12, Utah Relocation Assistance Act.

Section 126. Section 17C-5-405 is enacted to read:

17C-5-405. Court award for court costs and attorney fees, relocation expenses, and damage to fixtures or personal property.

In an eminent domain action under this chapter, the court may award:

(1) court costs and reasonable attorney fees to the condemnee, if the amount of the court or jury award for the property exceeds the amount offered by the agency;

(2) a reasonable sum, as determined by the court or jury, as compensation for any costs or expenses related to relocating:

(a) an owner who occupied the acquired property;

(b) a party conducting a business on the acquired property; or

(c) a person displaced from the property, as permitted by Title 57, Chapter 12, Utah Relocation Assistance Act; and

(3) an amount to compensate for any fixtures or personal property that is:

(a) owned by the owner of the acquired property or by a person conducting a business on the acquired property; and

(b) damaged as a result of the acquisition.

Section 127. Section 17C-5-406 is enacted to read:

17C-5-406. Blight determination in a Community Reinvestment Area -- Prerequisites -- Restrictions.

(1) Before an agency may exercise eminent domain under this part, the agency shall, after adopting a resolution as described in Subsection 17C-5-103:

(a) cause a blight study to be conducted within the survey area in accordance with Section 17C-5-407;

(b) provide notice of a blight hearing in accordance with Sections 17C-1-806 and 17C-1-808;

(c) hold a blight hearing in accordance with Section 17C-1-809; and

(d) after the blight hearing, hold a board meeting at which the board shall:

(i) consider:
the issue of blight and the evidence and information relating to the existence or nonexistence of blight; and
(B) whether the agency should pursue adoption of one or more community reinvestment project area plans; and
(ii) by resolution, make a finding regarding whether blight exists in the proposed community reinvestment project area.
(2)(a) If an agency makes a finding of blight under Subsection (1), the agency may not adopt the community reinvestment project area plan until the taxing entity committee approves the finding of blight.
(b) (i) A taxing entity committee shall approve an agency's finding of blight unless the taxing entity committee demonstrates that the conditions the agency found to exist in the community reinvestment project area that support the agency's finding of blight:
(A) do not exist; or
(B) do not constitute blight under Section 17C-5-409.
(ii) (A) If the taxing entity committee questions or dispute the existence of some or all of the blight conditions that the agency found to exist in the proposed community reinvestment area, or that those conditions constitute blight, the taxing entity committee may hire a consultant, mutually agreed upon by the taxing entity committee and the agency, with the necessary expertise to assist the taxing entity committee in making a determination as to the existence of the questioned or disputed blight conditions.
(B) The agency shall pay the fees and expenses of each consultant hired under Subsection (2)((ii)(A).
(C) The findings of a consultant under this Subsection (2) are binding on the taxing entity committee and the agency.

Section 128. Section 17C-5-407 is enacted to read:
(1) A blight study shall:
(a) undertake a parcel by parcel survey of the survey area;
(b) provide data so the board and taxing entity committee may determine:
(i) whether the conditions described in Subsection 17C-5-409(1):
(A) exist in part or all of the survey area; and
(B) meet the qualifications for a finding of blight in all or part of the survey area; and
(ii) whether the survey area contains all or part of a superfund site;
(c) include a written report setting forth:
(i) the conclusions reached;
(ii) any recommended area within the survey area qualifying as meeting the statutory
criteria of blight under 17C-5-409; and
(iii) any other information requested by the agency to determine whether blight exists
within the survey area; and
(d) be completed within one year after the day on which the survey area resolution is
adopted.
(2) (a) If a blight study is not completed within the time described in Subsection (1)(d),
the agency may not approve community reinvestment project area plan based on that blight
study unless the agency first adopts a new resolution under Subsection 17C-25-103(1).
(b) A new resolution described in Subsection (2)(a) shall in all respects be considered
to be a resolution under Subsection 17C-5-103(1) adopted for the first time, except that any
actions taken toward completing a blight study under the resolution that the new resolution
replaces shall be considered to have been taken under the new resolution.
Section 129. Section 17C-5-408 is enacted to read:
17C-5-408. Blight hearing -- Owners may review evidence of blight.
(1) In a hearing required under Subsection 17C-5-406(1)(c), the agency shall:
(a) permit all evidence of the existence or nonexistence of blight within the proposed
community reinvestment project area to be presented; and
(b) permit each record owner of property located within the proposed community
reinvestment project area or the record property owner's representative the opportunity to:
(i) examine and cross-examine witnesses providing evidence of the existence or
nonexistence of blight; and
(ii) present evidence and testimony, including expert testimony, concerning the
existence or nonexistence of blight.
(2) The agency shall allow each record owner of property located within a proposed
community reinvestment project area the opportunity, for at least 30 days before the day on
which the hearing takes place, to review the evidence of blight compiled by the agency or by
the person or firm conducting the blight study for the agency, including any expert report.

Section 130. Section 17C-5-409 is enacted to read:

17C-5-409. Conditions on board determination of blight -- Conditions of blight caused by a participant.

(1) A board may not make a finding of blight in a resolution under Subsection 17C-5-406(1)(d)(ii) unless the board finds that:

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

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

(iii) at least 50% of the parcels within the proposed community reinvestment project area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes;

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

(A) although sometimes interspersed with well maintained buildings and infrastructure, substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure, or significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;

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

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

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

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

(F) criminal activity in the proposed community reinvestment project area, higher than
that of comparable nonblighted areas in the municipality or county; and

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

(v) (A) at least 50% of the privately-owned parcels within the proposed community

reinvestment project area are affected by at least one of the factors, but not necessarily the same

factor, listed in Subsection (1)(a)(iv); and

(B) the affected parcels comprise at least 66% of the privately-owned acreage of the

proposed community reinvestment project area; or

(b) the proposed community reinvestment project area includes some or all of a

superfund site, inactive industrial site, or inactive airport site.

(2) No single parcel comprising 10% or more of the acreage of the proposed

community reinvestment project area may be counted as satisfying Subsection (1)(a)(iii) or (iv)

unless at least 50% of the area of that parcel is occupied by buildings or improvements.

(3) (a) For purposes of Subsection (1), if a participant or proposed participant involved

in the project has caused a condition listed in Subsection (1)(a)(iv) within the proposed

community reinvestment project area, that condition may not be used in the determination of

blight.

(b) Subsection (3)(a) does not apply to a condition that was caused by an owner or

tenant who later becomes a participant.

Section 131. Section 17C-5-410 is enacted to read:

17C-5-410. Challenging a finding of blight -- Time limit -- De novo review.

(1) If the board makes a finding of blight under Subsection 17C-5-406(1)(d)(i) and the

finding is approved by resolution adopted by the taxing entity committee, a record owner of

property located within the proposed community reinvestment project area may challenge the

finding by filing an action with the district court in the county in which the property is located.

(2) An action under Subsection (1) shall be filed within 30 days after the day on which

the taxing entity committee approves the board's finding of blight.

(3) In an action under this section, the district court shall review the finding of blight

under the standards of review provided in Subsection 10-9a-801(3).

Section 132. Section 59-2-924 is amended to read:

59-2-924. Report of valuation of property to county auditor and commission --

Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified
tax rate -- Rulemaking authority -- Adoption of tentative budget.

(1) (a) Subject to Subsection (2), "new growth" means:

(i) the difference between the increase in taxable value of the following property of the
taxing entity from the previous calendar year to the current year:

(A) real property assessed by a county assessor in accordance with Part 3, County
Assessment; and

(B) property assessed by the commission under Section 59-2-201; plus

(ii) the difference between the increase in taxable year end value of personal property
of the taxing entity from the year prior to the previous calendar year to the previous calendar
year; minus

(iii) the amount of an increase in taxable value described in Subsection (2)(b).

(b) Except as provided in Subsection (1)(d), new growth shall equal the greater of:

(i) the amount calculated under Subsection (1)(a); or

(ii) zero.

(c) (i) When a project area, as defined in Section 17C-1-102, dissolves, the project
area's incremental value, as defined in Section 17C-1-102, shall be:

(A) considered new growth; and

(B) added to the amount described in Subsection (1)(b).

(ii) The amount calculated in Subsection (1)(c)(i)(B) shall not equal less than zero.

(2) (a) For purposes of Subsection (1)(a)(i) taxable value of personal property of the
taxing entity does not include the taxable value of personal property that is:

(i) contained on the tax rolls of the taxing entity if that property is assessed by a county
assessor in accordance with Part 3, County Assessment; and

(ii) semiconductor manufacturing equipment.

(b) Subsection (1)(a)(iii) applies to the following increases in taxable value:

(i) the amount of increase to locally assessed real property taxable values resulting
from factoring, reappraisal, or any other adjustments; or

(ii) the amount of an increase in the taxable value of property assessed by the
commission under Section 59-2-201 resulting from a change in the method of apportioning the
taxable value prescribed by:

(A) the Legislature;
(B) a court;
(C) the commission in an administrative rule; or
(D) the commission in an administrative order.

(1) Before June 1 of each year, the county assessor of each county shall deliver to
the county auditor and the commission the following statements:
(a) a statement containing the aggregate valuation of all taxable real property assessed
by a county assessor in accordance with Part 3, County Assessment, for each taxing entity; and
(b) a statement containing the taxable value of all personal property assessed by a
county assessor in accordance with Part 3, County Assessment, from the prior year end values.

(2) The county auditor shall, on or before June 8, transmit to the governing body
of each taxing entity:
(a) the statements described in Subsections (1)(a) and (b);
(b) an estimate of the revenue from personal property;
(c) the certified tax rate; and
(d) all forms necessary to submit a tax levy request.

(3) (a) The "certified tax rate" means a tax rate that will provide the same ad
valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the
prior year.

(b) For purposes of this Subsection:
(i) "Ad valorem property tax revenues" do not include:
(A) interest;
(B) penalties; and
(C) revenue received by a taxing entity from personal property that is:
(I) assessed by a county assessor in accordance with Part 3, County Assessment; and
(II) semiconductor manufacturing equipment.
(ii) "Aggregate taxable value of all property taxed" means:
(A) the aggregate taxable value of all real property assessed by a county assessor in
accordance with Part 3, County Assessment, for the current year;
(B) the aggregate taxable year end value of all personal property assessed by a county
assessor in accordance with Part 3, County Assessment, for the prior year; and
(C) the aggregate taxable value of all real and personal property assessed by the
commission in accordance with Part 2, Assessment of Property, for the current year.

(c) (i) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the taxing entity by the amount calculated under Subsection [(3)] (4)(c)(ii).

(ii) For purposes of Subsection [(3)] (4)(c)(i), the legislative body of a taxing entity shall calculate an amount as follows:

(A) calculate for the taxing entity the difference between:

(I) the aggregate taxable value of all property taxed; and

(II) any redevelopment adjustments for the current calendar year;

(B) after making the calculation required by Subsection [(3)] (4)(c)(ii)(A), calculate an amount determined by increasing or decreasing the amount calculated under Subsection [(3)] (4)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year;

(C) after making the calculation required by Subsection [(3)] (4)(c)(ii)(B), calculate the product of:

(I) the amount calculated under Subsection [(3)] (4)(c)(ii)(B); and

(II) the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and

(D) after making the calculation required by Subsection [(3)] (4)(c)(ii)(C), calculate an amount determined by subtracting from the amount calculated under Subsection [(3)] (4)(c)(ii)(C) any new growth as defined in this section:

(I) within the taxing entity; and

(II) for the following calendar year:

(Aa) for new growth from real property assessed by a county assessor in accordance with Part 3, County Assessment and all property assessed by the commission in accordance with Section 59-2-201, the current calendar year; and

(Bb) for new growth from personal property assessed by a county assessor in accordance with Part 3, County Assessment, the prior calendar year.

(iii) For purposes of Subsection [(3)] (4)(c)(ii)(A), the aggregate taxable value of all property taxed:
(A) except as provided in Subsection [(3)] (4)(c)(iii)(B) or [(3)] (4)(c)(ii)(C), is as defined in Subsection [(3)] (4)(b)(ii);
(B) does not include the total taxable value of personal property contained on the tax rolls of the taxing entity that is:
   (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
   (II) semiconductor manufacturing equipment; and
(C) for personal property assessed by a county assessor in accordance with Part 3, County Assessment, the taxable value of personal property is the year end value of the personal property contained on the prior year's tax rolls of the entity.
(iv) For purposes of Subsection [(3)] (4)(c)(ii)(B), for calendar years beginning on or after January 1, 2007, the value of taxable property does not include the value of personal property that is:
   (A) within the taxing entity assessed by a county assessor in accordance with Part 3, County Assessment; and
   (B) semiconductor manufacturing equipment.
(v) For purposes of Subsection [(3)] (4)(c)(ii)(C)(II), for calendar years beginning on or after January 1, 2007, the percentage of property taxes collected does not include property taxes collected from personal property that is:
   (A) within the taxing entity assessed by a county assessor in accordance with Part 3, County Assessment; and
   (B) semiconductor manufacturing equipment.
(vi) For purposes of Subsection [(3)] (4)(c)(ii)(B), for calendar years beginning on or after January 1, 2009, the value of taxable property does not include the value of personal property that is within the taxing entity assessed by a county assessor in accordance with Part 3, County Assessment.
(vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may prescribe rules for calculating redevelopment adjustments for a calendar year.
(viii) (A) Except as provided in Subsections [(3)] (4)(c)(ix) and (x), for purposes of Subsection [(3)] (4)(c)(i), a taxing entity's ad valorem property tax revenues budgeted for the prior year shall be decreased by an amount of revenue equal to the five-year average of the
most recent prior five years of redemptions adjusted by the five-year average redemption calculated for the prior year as reported on the county treasurer's final annual settlement required under Subsection 59-2-1365(2).

(B) A decrease under Subsection [(3)] (4)(c)(viii)(A) does not apply to the multicounty assessing and collecting levy authorized in Subsection 59-2-1602(2)(a), the certified revenue levy, or the minimum basic tax rate established in Section 53A-17a-135.

(ix) As used in Subsection [(3)] (4)(c)(x):

(A) "One-fourth of qualifying redemptions excess amount" means a qualifying redemptions excess amount divided by four.

(B) "Qualifying redemptions" means that, for a calendar year, a taxing entity's total amount of redemptions is greater than three times the five-year average of the most recent prior five years of redemptions calculated for the prior year under Subsection [(3)] (4)(c)(viii)(A).

(C) "Qualifying redemptions base amount" means an amount equal to three times the five-year average of the most recent prior five years of redemptions for a taxing entity, as reported on the county treasurer's final annual settlement required under Subsection 59-2-1365(2).

(D) "Qualifying redemptions excess amount" means the amount by which a taxing entity's qualifying redemptions for a calendar year exceed the qualifying redemptions base amount for that calendar year.

(x) (A) If, for a calendar year, a taxing entity has qualifying redemptions, the redemption amount for purposes of calculating the five-year redemption average required by Subsection [(3)] (4)(c)(viii)(A) is as provided in Subsections [(3)] (4)(c)(x)(B) and (C).

(B) For the initial calendar year a taxing entity has qualifying redemptions, the taxing entity's redemption amount for that calendar year is the qualifying redemptions base amount.

(C) For each of the four calendar years after the calendar year described in Subsection [(3)] (4)(c)(x)(B), one-fourth of the qualifying redemptions excess amount shall be added to the redemption amount.

(d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules determining the calculation of ad valorem property tax revenues budgeted by a taxing entity.

(ii) For purposes of Subsection [(3)] (4)(d)(i), ad valorem property tax revenues
budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax revenues are calculated for purposes of Section 59-2-913.

(e) The certified tax rates for the taxing entities described in this Subsection [(3)(4)(e)] shall be calculated as follows:

(i) except as provided in Subsection [(3)] (4)(e)(ii), for new taxing entities the certified tax rate is zero;

(ii) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

(A) in a county of the first, second, or third class, the levy imposed for municipal-type services under Sections 17-34-1 and 17-36-9; and

(B) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and such other levies imposed solely for the municipal-type services identified in Section 17-34-1 and Subsection 17-36-3(22); and

(iii) for debt service voted on by the public, the certified tax rate shall be the actual levy imposed by that section, except that the certified tax rates for the following levies shall be calculated in accordance with Section 59-2-913 and this section:

(A) school levies provided for under Sections 53A-16-113, 53A-17a-133, and 53A-17a-164; and

(B) levies to pay for the costs of state legislative mandates or judicial or administrative orders under Section 59-2-1602.

(f) (i) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be established at that rate which is sufficient to generate only the revenue required to satisfy one or more eligible judgments, as defined in Section 59-2-102.

(ii) The ad valorem property tax revenue generated by the judgment levy shall not be considered in establishing the taxing entity's aggregate certified tax rate.

(g) The ad valorem property tax revenue generated by the capital local levy described in Section 53A-16-113 within a taxing entity in a county of the first class:

(i) may not be considered in establishing the school district's aggregate certified tax rate; and

(ii) shall be included by the commission in establishing a certified tax rate for that capital outlay levy determined in accordance with the calculation described in Subsection 59-2-913(3).
(4) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:
(i) the taxable value of real property assessed by a county assessor contained on the assessment roll;
(ii) the taxable value of real and personal property assessed by the commission; and
(iii) the taxable year end value of personal property assessed by a county assessor contained on the prior year's assessment roll.
(b) For purposes of Subsection (4)(a)(i), the taxable value of real property on the assessment roll does not include new growth as defined in Subsection (4)(c)(1).
(c) "New growth" means:
(i) the difference between the increase in taxable value of the following property of the taxing entity from the previous calendar year to the current year:
(A) real property assessed by a county assessor in accordance with Part 3, County Assessment; and
(B) property assessed by the commission under Section 59-2-201; plus
(ii) the difference between the increase in taxable year end value of personal property of the taxing entity from the year prior to the previous calendar year to the previous calendar year; minus
(iii) the amount of an increase in taxable value described in Subsection (4)(e);
(d) For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the taxing entity does not include the taxable value of personal property that is:
(i) contained on the tax rolls of the taxing entity if that property is assessed by a county assessor in accordance with Part 3, County Assessment; and
(ii) semiconductor manufacturing equipment;
(e) Subsection (4)(c)(iii) applies to the following increases in taxable value:
(i) the amount of increase to locally assessed real property taxable values resulting from factoring, reappraisal, or any other adjustments; or
(ii) the amount of an increase in the taxable value of property assessed by the commission under Section 59-2-201 resulting from a change in the method of apportioning the taxable value prescribed by:
(A) the Legislature;
[(D) the commission in an administrative order.]

[(f) (c)] For purposes of Subsection [(4)(c)] (5)(a)(ii), the taxable year end value of personal property on the prior year's assessment roll does not include:

(i) new growth as defined in Subsection [(4)(c)] (1); or

(ii) the total taxable year end value of personal property contained on the prior year's tax rolls of the taxing entity that is:

(A) assessed by a county assessor in accordance with Part 3, County Assessment; and

(B) semiconductor manufacturing equipment.

[(5)] (6) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

(b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county auditor of:

(i) its intent to exceed the certified tax rate; and

(ii) the amount by which it proposes to exceed the certified tax rate.

(c) The county auditor shall notify property owners of any intent to levy a tax rate that exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

Section 133. Repealer.

This bill repeals:

Section 17C-1-303, Summary of sale or other disposition of agency property -- Publication of summary.

Section 17C-3-301, Combining hearings.

Section 17C-3-302, Continuing a hearing.

Section 17C-3-303, Notice required for continued hearing.

Section 17C-3-401, Agency to provide notice of hearings.

Section 17C-3-402, Requirements for notice provided by agency.

Section 17C-3-403, Additional requirements for notice of a plan hearing.

Section 17C-3-404, Additional requirements for notice of a budget hearing.

Section 17C-4-301, Continuing a plan hearing.

Section 17C-4-302, Notice required for continued hearing.
Section 17C-4-401, Agency required to provide notice of plan hearing.

Section 17C-4-402, Requirements for notice provided by agency.