

28 AMENDS:

- 29 **10-8-2**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
- 30 **11-13-227**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
- 31 **17-60-202**, as renumbered and amended by Laws of Utah 2025, First Special Session,
- 32 Chapter 13
- 33 **17-78-103**, as renumbered and amended by Laws of Utah 2025, First Special Session,
- 34 Chapter 14
- 35 **17-79-812**, as renumbered and amended by Laws of Utah 2025, First Special Session,
- 36 Chapter 14
- 37 **17B-1-103**, as last amended by Laws of Utah 2024, Chapter 388
- 38 **17C-1-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
- 39 **35A-8-407**, as renumbered and amended by Laws of Utah 2012, Chapter 212
- 40 **53G-4-902**, as last amended by Laws of Utah 2025, Chapter 391

41 ENACTS:

- 42 **11-1-201**, Utah Code Annotated 1953
- 43 **11-1-202**, Utah Code Annotated 1953
- 44 **11-1-203**, Utah Code Annotated 1953
- 45 **11-1-204**, Utah Code Annotated 1953
- 46 **11-1-205**, Utah Code Annotated 1953

47 RENUMBERS AND AMENDS:

- 48 **11-1-101**, (Renumbered from 11-1-1, as last amended by Laws of Utah 2024, Chapter
- 49 365)
- 50 **11-1-102**, (Renumbered from 11-1-2, as last amended by Laws of Utah 1993, Chapter
- 51 227)
- 52 **11-1-103**, (Renumbered from 11-1-4, as last amended by Laws of Utah 1992, Chapter
- 53 285)
- 54 **11-1-104**, (Renumbered from 11-1-5, Utah Code Annotated 1953)

55 REPEALS:

- 56 **11-1-3**, as last amended by Laws of Utah 1986, Chapter 178
- 57 **11-1-6**, as last amended by Laws of Utah 2018, Chapter 148



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

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

61 **10-8-2 . Appropriations -- Acquisition and disposal of property -- Municipal**

62 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

63 (1)(a) Subject to Section 11-41-103, a municipal legislative body may:

64 (i) appropriate money for corporate purposes only;

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

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

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

72 (v) subject to Subsection (2) and after first holding a public hearing, authorize
73 municipal services or other nonmonetary assistance to be provided to or waive
74 fees required to be paid by a nonprofit entity, regardless of whether [~~or not~~]the
75 municipality receives consideration in return.

76 (b) A municipality may:

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

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

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

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

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

90 (2)(a) Services or assistance provided in accordance with Subsection (1)(a)(v) is not
91 subject to the provisions of Subsection (3).

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

95 (3) It is considered a corporate purpose to appropriate money for any purpose that, in the

- 96 judgment of the municipal legislative body, provides for the safety, health, prosperity,
97 moral well-being, peace, order, comfort, or convenience of the inhabitants of the
98 municipality subject to this Subsection (3).
- 99 (a) The net value received for any money appropriated shall be measured on a
100 project-by-project basis over the life of the project.
- 101 (b)(i) A municipal legislative body shall establish the criteria for a determination
102 under this Subsection (3).
- 103 (ii) A municipal legislative body's determination of value received is presumed valid
104 unless a person can show that the determination was arbitrary, capricious, or
105 illegal.
- 106 (c) The municipality may consider intangible benefits received by the municipality in
107 determining net value received.
- 108 (d)(i) Before the municipal legislative body makes any decision to appropriate any
109 funds for a corporate purpose under this section, the municipal legislative body
110 shall hold a public hearing.
- 111 (ii) For at least 14 days before the date of the hearing, the municipal legislative body
112 shall publish a notice of the hearing described in Subsection (3)(d)(i) for the
113 municipality, as a class A notice under Section 63G-30-102.
- 114 (e)(i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
115 municipality shall perform a study that analyzes and demonstrates the purpose for
116 an appropriation described in this Subsection (3) in accordance with Subsection
117 (3)(e)(iii).
- 118 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
119 the municipality for review by interested parties at least 14 days immediately
120 before the public hearing described in Subsection (3)(d)(i).
- 121 (iii) A municipality shall consider the following factors when conducting the study
122 described in Subsection (3)(e)(i):
- 123 (A) what identified benefit the municipality will receive in return for any money
124 or resources appropriated;
- 125 (B) the municipality's purpose for the appropriation, including an analysis of the
126 way the appropriation will be used to enhance the safety, health, prosperity,
127 moral well-being, peace, order, comfort, or convenience of the inhabitants of
128 the municipality; and
- 129 (C) whether the appropriation is necessary and appropriate to accomplish the

130 reasonable goals and objectives of the municipality in the area of economic
131 development, job creation, affordable housing, elimination of a development
132 impediment, job preservation, the preservation of historic structures and
133 property, and any other public purpose.

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

136 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
137 court within 30 days after the day on which the municipal legislative body makes
138 a decision.

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

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

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

145 (h) This section applies only to appropriations not otherwise approved in accordance
146 with Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10,
147 Chapter 6, Uniform Fiscal Procedures Act for Utah Cities.

148 (4)(a) As used in this Subsection (4), "proposed disposition" means an offering to sell or
149 lease real property, or enter into a joint venture regarding real property, that includes
150 information about the terms of the purchase or sale, including price and proposed
151 time frame for closing.

152 (b) Before a municipality may dispose of a significant parcel of real property, the
153 municipality shall:

154 (i) comply with the publication requirements of Section 11-1-203 before selecting or
155 making a proposed disposition;

156 (ii) provide notice of the proposed disposition for the municipality, as a class A
157 notice under Section 63G-30-102, for at least 14 days before the opportunity for
158 public comment under Subsection [~~(4)(a)(ii)~~] (4)(b)(iii); and

159 [~~(ii)~~] (iii) allow an opportunity for public comment on the proposed disposition.

160 [~~(b)~~] (c) Each municipality shall, by ordinance, define what constitutes a significant
161 parcel of real property for purposes of Subsection [~~(4)(a)~~] (4)(b).

162 (d) Before a municipality may dispose of a parcel of real property that is not a
163 significant parcel, the municipality shall comply with the requirements of Subsection

- 164 11-1-203(3).
- 165 (5)(a) Except as provided in Subsection (5)(d), each municipality intending to acquire
 166 real property for the purpose of expanding the municipality's infrastructure or other
 167 facilities used for providing services that the municipality offers or intends to offer
 168 shall provide written notice, as provided in this Subsection (5), of its intent to acquire
 169 the property if:
- 170 (i) the property is located:
 - 171 (A) outside the boundaries of the municipality; and
 - 172 (B) in a county of the first or second class; and
 - 173 (ii) the intended use of the property is contrary to:
 - 174 (A) the anticipated use of the property under the general plan of the county in
 175 whose unincorporated area or the municipality in whose boundaries the
 176 property is located; or
 - 177 (B) the property's current zoning designation.
- 178 (b) Each notice under Subsection (5)(a) shall:
- 179 (i) indicate that the municipality intends to acquire real property;
 - 180 (ii) identify the real property; and
 - 181 (iii) be sent to:
 - 182 (A) each county in whose unincorporated area and each municipality in whose
 183 boundaries the property is located; and
 - 184 (B) each affected entity.
- 185 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
 186 63G-2-305(8).
- 187 (d)(i) The notice requirement of Subsection (5)(a) does not apply if the municipality
 188 previously provided notice under Section 10-20-203 identifying the general
 189 location within the municipality or unincorporated part of the county where the
 190 property to be acquired is located.
- 191 (ii) If a municipality is not required to comply with the notice requirement of
 192 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality
 193 shall provide the notice specified in Subsection (5)(a) as soon as practicable after
 194 its acquisition of the real property.

195 Section 2. Section **11-1-101**, which is renumbered from Section 11-1-1 is renumbered
 196 and amended to read:

197 **CHAPTER 1. Bonds, Warrants, and Property Disposal**

Part 1. Bonds and Warrants**[~~11-1-1~~ 11-1-101 . Auditor's certificate to show obligation within debt limit.**

(1) The county auditor of each county, the auditor of each city, and the clerk of each board of education in this state shall endorse a certificate upon every bond, warrant or other evidence of debt, issued pursuant to law by any such officer, that the same is within the lawful debt limit of such county, city or school district, respectively, and is issued according to law.

(2) The officer shall sign such certificate in the officer's official character.

Section 3. Section **11-1-102**, which is renumbered from Section 11-1-2 is renumbered and amended to read:

[~~11-1-2~~ 11-1-102 . Auditors may rely on certain facts.

Whenever a county legislative body, board of city commissioners, city council, or board of education of any such county, city, or school district shall find or declare that any appropriation or expenditure for which a warrant or warrants are to be issued was or is for interest upon the bonded debt, for salaries, or for the current expenses of such county, city, or school district, such finding or declaration shall conclusively protect the county auditor, city auditor, or clerk of the board of education of any such county, city, or school district, as to such facts, in certifying any warrant or warrants therefor to be within the lawful debt limit of such county, city, or school district.

Section 4. Section **11-1-103**, which is renumbered from Section 11-1-4 is renumbered and amended to read:

[~~11-1-4~~ 11-1-103 . Sinking fund -- Investment.

The legislative body of any county, municipality, school district, or taxing unit of Utah shall invest any sinking fund created by authority of law by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act.

Section 5. Section **11-1-104**, which is renumbered from Section 11-1-5 is renumbered and amended to read:

[~~11-1-5~~ 11-1-104 . Form, time, and place of payment -- Held in trust.

(1)(a) Whenever any county, municipality, school district or taxing unit within this state is authorized to issue and sell its bonds, they may be issued in serial form or in the form of term bonds and made payable in such manner and at such times, within legal limits, as such county, municipality, school district or taxing unit may determine.

(b) Principal and interest shall be made payable only at a duly incorporated bank or trust

232 company operating under state or national banking laws or principal and interest may
 233 be made payable at such a bank or trust company or at the office of the treasurer of
 234 the issuer, at the option of the holder; provided, such alternative places of payment
 235 are designated in the bonds by the issuer at the time such bonds are issued.

236 (2)(a) All payments of funds either as principal or interest on any bonds issued by any
 237 county, municipality, school district or other taxing unit within this state paid to
 238 anyone other than the owner of such bonds shall be regarded and held as trust funds,
 239 and the person, firm or corporation so receiving the same shall be held as a trustee of
 240 such funds holding the same for the benefit of the owners and holders of such bonds
 241 until the same are fully paid over.

242 (b) Until such funds are paid over by the person, firm or corporation collecting the same,
 243 they shall be set up and held in a separate trust account and not commingled or used
 244 by the collector in any manner whatever.

245 Section 6. Section **11-1-201** is enacted to read:

246 **Part 2. Disposal of Public Property**

247 **11-1-201 . Definitions.**

248 As used in this part:

249 (1)(a) "Dispose" means to:

250 (i) sell, convey, donate, or otherwise permanently change the ownership of real
 251 property;

252 (ii) enter into a joint venture that gives a private entity the right to use, possess, or
 253 occupy real property; or

254 (iii) give a private entity the right to use, possess, or occupy real property under a
 255 lease agreement with an initial term of more than 10 years.

256 (b) "Dispose" does not include:

257 (i) an exchange of a parcel of real property for another parcel of real property
 258 described in Subsection 11-1-205(2);

259 (ii) the creation, transfer, or use of an easement, unless the easement has a fair market
 260 value of more than 50% of the fair market value of the affected real property; or

261 (iii) giving a private entity the right to use, possess, or occupy real property under a
 262 lease agreement with an initial term of 10 years or less.

263 (2) "Governing body" means:

264 (a) for a municipality or a county, the legislative body;

265 (b) for an agency, the agency board;

- 266 (c) for a special district, special service district, local building authority, conservation
267 district, or public infrastructure district, the board of trustees;
- 268 (d) for a housing authority, the board of commissioners; and
- 269 (e) for a school district, the school board.
- 270 (3) "Local governmental entity" means:
- 271 (a) a municipality;
- 272 (b) a county;
- 273 (c) an agency, as that term is defined in Section 17C-1-102;
- 274 (d) a special district created under Title 17B, Limited Purpose Local Government
275 Entities - Special Districts;
- 276 (e) a special service district, local building authority, or conservation district created
277 under Title 17D, Limited Purpose Local Government Entities - Other Entities;
- 278 (f) a housing authority, other than a housing authority described in Section 35A-8-403;
279 and
- 280 (g) a school district.
- 281 (4) "Public property" means real property owned by a local governmental entity.
- 282 (5) "Real estate offering website" means any publicly accessible website that describes real
283 property that is for sale.
- 284 Section 7. Section **11-1-202** is enacted to read:
- 285 **11-1-202 . Determination of a significant parcel.**
- 286 (1) Before disposing of public property, a local governmental entity shall:
- 287 (a) determine if the public property constitutes a significant parcel; and
- 288 (b) comply with:
- 289 (i) any statutory requirements specific to the local governmental entity and the local
290 governmental entity's public property; and
- 291 (ii) the applicable requirements of this part.
- 292 (2) Subject to Subsection (4) in making a determination on whether public property
293 constitutes a significant parcel:
- 294 (a) a municipality shall apply the municipality's ordinance described in Subsection
295 10-8-2(4);
- 296 (b) a county shall apply the county's ordinance described in Subsection 17-78-103(4);
297 and
- 298 (c) if a local governmental entity not described in Subsection (2)(a) or (b) has an
299 ordinance or resolution defining "significant parcel," the local governmental entity

300 shall apply that definition, if the definition is reasonably similar to the definition in
 301 Subsection (3).

302 (3) If a local governmental entity does not define significant parcel in a local ordinance or
 303 resolution, "significant parcel" means real property that has an estimated fair market
 304 value of \$500,000 or more.

305 (4) A municipality or county may not establish by ordinance or resolution a definition of
 306 significant parcel that would result in real property with an estimated fair market value
 307 of \$500,000 or more not qualifying as a significant parcel under the ordinance or
 308 resolution.

309 Section 8. Section **11-1-203** is enacted to read:

310 **11-1-203 . Publication requirements -- Political subdivisions retain discretion.**

311 (1) Before disposing of public property that the local governmental entity has classified as a
 312 significant parcel, as described in Section 11-1-202, a local governmental entity shall:

313 (a) publish an announcement of the local governmental entity's intent to dispose of the
 314 public property on the local governmental entity's website or a real estate offering
 315 website for a minimum of 45 consecutive days;

316 (b) post a physical sign on the public property indicating that:

317 (i) the public property is available for sale, lease, or joint venture; and

318 (ii) offers may be made to the local governmental entity; and

319 (c) announce the local governmental entity's intent to dispose of the public property
 320 during a public meeting.

321 (2) A local governmental entity may offer the public property that is available for sale,
 322 lease, or joint venture on one or more real estate offering websites.

323 (3) Before disposing of public property that the local governmental entity has not classified
 324 as a significant parcel, a local governmental entity shall post a physical sign on the
 325 public property indicating that:

326 (a) the public property is available for sale, lease, or joint venture; and

327 (b) offers may be made to the local governmental entity.

328 (4) Nothing in this part diminishes a local governmental entity's discretion to determine the
 329 terms and conditions of a disposition of public property in accordance with the local
 330 governmental entity's relevant adopted ordinances or policies and other applicable law.

331 Section 9. Section **11-1-204** is enacted to read:

332 **11-1-204 . Public meeting to approve disposal.**

333 (1)(a) For a significant parcel, the local governmental entity may approve disposal after:

- 334 (i) complying with any statutory provisions outside this part that govern the local
335 governmental entity and the local governmental entity's public property; and
336 (ii) except as provided in Subsection (2), the governing body approves the disposal
337 by majority vote in a public meeting.
- 338 (b) In a public meeting described in Subsection (1)(a)(ii), the governing body shall
339 disclose the details of the proposed offer, including:
- 340 (i) if a sale, the proposed purchaser and proposed price; and
341 (ii) if a lease or a joint venture, the terms of the offer and the proposed conveyee.
- 342 (2) If a local governmental entity has an ordinance or resolution governing the disposal of
343 real property that does not require action from the governing body or a public meeting,
344 the local governmental entity may comply with the local governmental entity's
345 ordinance or resolution if:
- 346 (a) the local governmental entity has complied with the requirements of Section 11-1-203;
347 and
- 348 (b) the ordinance or resolution provides a method by which the public is informed of the
349 local governmental entity's action, either before the action takes place or in a
350 reasonable time after the action takes place.
- 351 Section 10. Section **11-1-205** is enacted to read:
- 352 **11-1-205 . Exceptions.**
- 353 (1) The requirements of this part do not apply to:
- 354 (a) a school district selling surplus property to an eligible entity, or to a county or
355 municipality reselling surplus property to a school district, in accordance with Title
356 53G, Chapter 4, Part 9, Surplus School District Land;
- 357 (b) a local governmental entity offering public property back to the party the local
358 governmental entity received the public property from, if required to do so by another
359 provision of law;
- 360 (c) a local governmental entity conveying public property to another governmental
361 entity;
- 362 (d) the sale of a cemetery plot; or
- 363 (e) the abandonment or vacation of a public street in accordance with the requirements
364 of Section 10-20-208, 17-79-208, or 72-5-105.
- 365 (2)(a) A political subdivision that exchanges real property for another parcel of real
366 property is not required to comply with the provisions of this part if:
- 367 (i) both parties to the exchange are political subdivisions, both political subdivisions

368 make a finding that the exchanged parcels are of reasonably equivalent value; or
 369 (ii) only one party to the exchange is a political subdivision, the political subdivision
 370 makes a finding that the political subdivision's public property has roughly the
 371 same fair market value as the real property the political subdivision will receive in
 372 the exchange.

373 (b) For purposes of Subsection (2)(a), if one parcel of real property has an estimated fair
 374 market value that is within 10% above or below the estimated fair market value of
 375 another parcel of real property, the parcels are presumptively of reasonably
 376 equivalent value.

377 Section 11. Section **11-13-227** is amended to read:

378 **11-13-227 . Transportation reinvestment zones.**

379 (1) Subject to the provisions of this part, any two or more public agencies may enter into an
 380 agreement with one another to create a transportation reinvestment zone as described in
 381 this section.

382 (2) To create a transportation reinvestment zone, two or more public agencies, at least one
 383 of which has land use authority over the transportation reinvestment zone area, shall:
 384 (a) define the transportation infrastructure need and proposed improvement;
 385 (b) define the boundaries of the zone;
 386 (c) establish terms for sharing sales tax revenue among the members of the agreement;
 387 (d) establish a base year to calculate the increase of property tax revenue within the zone;
 388 (e) establish terms for sharing any increase in property tax revenue within the zone; and
 389 (f) before an agreement is approved as required in Section 11-13-202.5, hold a public
 390 hearing regarding the details of the proposed transportation reinvestment zone.

391 (3) Any agreement to establish a transportation reinvestment zone is subject to the
 392 requirements of Sections 11-13-202, 11-13-202.5, 11-13-206, and 11-13-207.

393 (4)(a) Each public agency that is party to an agreement under this section shall annually
 394 publish a report including a statement of the increased tax revenue and the
 395 expenditures made in accordance with the agreement.

396 (b) Each public agency that is party to an agreement under this section shall transmit a
 397 copy of the report described in Subsection (4)(a) to the state auditor.

398 (5) If any surplus revenue remains in a tax revenue account created as part of a
 399 transportation reinvestment zone agreement, the parties may use the surplus for other
 400 purposes as determined by agreement of the parties.

401 (6)(a) An action taken under this section is not subject to:

- 402 (i) Section 10-8-2, except the provisions governing a municipality conveying real
 403 property do apply;
 404 (ii) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act;
 405 (iii) Title 17, Chapter 79, County Land Use, Development, and Management Act; or
 406 (iv) Section 17-78-103, except the provisions governing a county conveying real
 407 property do apply.

- 408 (b) An ordinance, resolution, or agreement adopted under this title is not a land use
 409 regulation as defined in Sections 10-20-102 and 17-79-102.

410 Section 12. Section **17-60-202** is amended to read:

411 **17-60-202 . Counties authorized to levy and collect taxes, sue and be sued, and**
 412 **acquire property.**

413 (1)(a) Except as provided in Subsection (1)(b), a county may:

414 (i) as prescribed by statute:

415 (A) levy a tax;

416 (B) perform an assessment;

417 (C) collect a tax;

418 (D) borrow money; or

419 (E) levy and collect a special assessment for a conferred benefit; or

420 (ii) provide a service, exercise a power, or perform a function that is reasonably
 421 related to the safety, health, morals, and welfare of county inhabitants.

422 (b) A county or a governmental instrumentality of a county may not perform an action
 423 described in Subsection (1)(a)(i) or provide a service, exercise a power, or perform a
 424 function described in Subsection (1)(a)(ii) in another county or a municipality within
 425 the other county without first entering into an agreement under Title 11, Chapter 13,
 426 Interlocal Cooperation Act, or other contract with the other county to perform the
 427 action, provide the service, exercise the power, or perform the function.

428 (2) A county may:

429 (a) sue and be sued;

430 (b)(i) subject to Subsection (4), acquire real property by tax sale, purchase, lease,
 431 contract, or gift; and

432 (ii) hold the real property acquired under Subsection (2)(b)(i) as necessary and
 433 proper for county purposes;

434 (c)(i) subject to Subsections (3)(a) and (b), acquire real property by condemnation, as
 435 provided in Title 78B, Chapter 6, Part 5, Eminent Domain; and

- 436 (ii) hold the real property acquired under Subsection (2)(c)(i) as necessary and proper
437 for county purposes;
- 438 (d) as may be necessary to the exercise of its powers, acquire personal property by
439 purchase, lease, contract, or gift, and hold such personal property; and
- 440 (e) manage and dispose of its property as the interests of its inhabitants may require.
- 441 (3)(a) For purposes of Subsection (2)(c), water rights that are not appurtenant to land do
442 not constitute real property that may be acquired by the county through
443 condemnation.
- 444 (b) Nothing in Subsection (2)(c) may be construed to authorize a county to acquire by
445 condemnation the rights to water unless the land to which those water rights are
446 appurtenant is acquired by condemnation.
- 447 (4) Except as provided in Subsection (6) and subject to Section 17-78-103, each county
448 intending to acquire real property for the purpose of expanding the county's
449 infrastructure or other facilities used for providing services that the county offers or
450 intends to offer shall provide written notice of the county's intent to acquire the property
451 if:
- 452 (a) the property is located:
- 453 (i) outside the boundaries of the unincorporated area of the county; and
454 (ii) in a county of the first or second class; and
- 455 (b) the intended use of the property is contrary to:
- 456 (i) the anticipated use of the property under the general plan of the county in whose
457 unincorporated area or the municipality in whose boundaries the property is
458 located; or
- 459 (ii) the property's current zoning designation.
- 460 (5)(a) Each notice under Subsection (4) shall:
- 461 (i) indicate that the county intends to acquire real property;
462 (ii) identify the real property; and
463 (iii) be sent to:
- 464 (A) each county in whose unincorporated area and each municipality in whose
465 boundaries the property is located; and
466 (B) each affected entity.
- 467 (b) A notice under Subsection (4) is a protected record as provided in Subsection
468 63G-2-305(8).
- 469 (6) The notice requirement of Subsection (4) does not apply if the county previously

470 provided notice under Section 17-79-203 identifying the general location within the
471 municipality or unincorporated part of the county where the property to be acquired is
472 located.

473 (7) If a county is not required to comply with the notice requirement of Subsection (4)
474 because of application of Subsection (6), the county shall provide the notice specified in
475 Subsection (4) as soon as practicable after the county's acquisition of the real property.

476 Section 13. Section **17-78-103** is amended to read:

477 **17-78-103 . Acquisition, management, and disposal of property.**

478 (1) [~~Subject to Subsection (4), a-~~] A county may purchase, receive, hold, sell, lease, convey,
479 or otherwise acquire and dispose of any real or personal property or any interest in [such]
480 real or personal property if the action:

481 (a) is in the public interest; and

482 (b) complies with:

483 (i) this section; and

484 (ii) other law, including, as applicable, Title 11, Chapter 1, Part 2, Disposal of Public
485 Property.

486 (2) Any property interest acquired by the county shall be held in the name of the county
487 unless specifically otherwise provided by law.

488 (3) The county legislative body shall provide by ordinance, resolution, rule, or regulation
489 for the manner in which property shall be acquired, managed, and disposed of.

490 (4)(a) Before a county may dispose of a significant parcel of real property, the county
491 shall:

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

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

495 (b) Each county shall, by ordinance, define what constitutes:

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

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

498 (5)(a) A county may dispose of a significant parcel of real property in exchange for less
499 than the present fair market value of the significant parcel of real property if the
500 adjusted present value of the significant parcel of real property is equal to or greater
501 than the present fair market value of the significant parcel of real property.

502 (b) Subsection (5)(a) does not affect a county's authority to dispose of a significant
503 parcel of real property in a manner different from Subsection (5)(a) and in

- 504 accordance with applicable law.
- 505 (6) Before a county agrees to dispose of a significant parcel of real property, the county
506 may require the potential purchaser or lessee to provide evidence that:
- 507 (a) the potential purchaser's or lessee's offer is bona fide;
- 508 (b) the potential purchaser or lessee has the ability to pay the disposition price; or
- 509 (c) any future benefits to the county from the disposal of the significant parcel of real
510 property are reasonably anticipated.
- 511 (7) If a county receives an unsolicited offer to purchase or lease a significant parcel of real
512 property:
- 513 (a) the county is not required to consider the offer; and
- 514 (b) a person may not consider the offer in determining the present fair market value of
515 the significant parcel of real property, unless considering the offer is warranted under
516 generally accepted standards of professional appraisal practice.
- 517 (8) A county may presume that the present fair market value of a significant parcel of real
518 property is equal to the average of two appraised values each of which is based upon fair
519 market value and calculated by a unique, independent appraiser who is licensed or
520 certified in accordance with Title 61, Chapter 2g, Real Estate Appraiser Licensing and
521 Certification Act.
- 522 Section 14. Section **17-79-812** is amended to read:
- 523 **17-79-812 . Exactions -- Exaction for water interest -- Requirement to offer to**
524 **original owner property acquired by exaction.**
- 525 (1) A county may impose an exaction or exactions on development proposed in a land use
526 application, including, subject to Subsection (3), an exaction for a water interest, if:
- 527 (a) an essential link exists between a legitimate governmental interest and each exaction;
528 and
- 529 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the
530 proposed development.
- 531 (2) If a land use authority imposes an exaction for another governmental entity:
- 532 (a) the governmental entity shall request the exaction; and
- 533 (b) the land use authority shall transfer the exaction to the governmental entity for which
534 it was exacted.
- 535 (3)(a)(i) Subject to the requirements of this Subsection (3), a county or, if applicable,
536 the county's culinary water authority shall base any exaction for a water interest
537 on the culinary water authority's established calculations of projected water

- 538 interest requirements.
- 539 (ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base
540 an exaction for a culinary water interest on:
- 541 (A) consideration of the system-wide minimum sizing standards established for
542 the culinary water authority by the Division of Drinking Water in accordance
543 with Section 19-4-114; and
- 544 (B) the number of equivalent residential connections associated with the culinary
545 water demand for each specific development proposed in the development's
546 land use application, applying lower exactions for developments with lower
547 equivalent residential connections as demonstrated by at least five years of
548 usage data for like land uses within the county.
- 549 (iii) A county or culinary water authority may impose an exaction for a culinary
550 water interest that results in less water being exacted than would otherwise be
551 exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the
552 county's or culinary water authority's sole discretion, determines there is good
553 cause to do so.
- 554 (iv) A county shall make public the methodology used to comply with Subsection
555 (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an
556 exaction calculation used by the county or the county's culinary water authority
557 under Subsection (3)(a)(ii). A land use applicant may present data and other
558 information that illustrates a need for an exaction recalculation and the county's
559 governing body shall respond with due process.
- 560 (v) Upon an applicant's request, the culinary water authority shall provide the
561 applicant with the basis for the culinary water authority's calculations under
562 Subsection (3)(a)(i) on which an exaction for a water interest is based.
- 563 (b) A county or the county's culinary water authority may not impose an exaction for a
564 water interest if the culinary water authority's existing available water interests
565 exceed the water interests needed to meet the reasonable future water requirement of
566 the public, as determined under Subsection 73-1-4(2)(f).
- 567 (4)(a) If a county plans to dispose of surplus real property under Section 17-78-103 that
568 was acquired under this section and has been owned by the county for less than 15
569 years, the county shall first offer to reconvey the property, without receiving
570 additional consideration, to the person who granted the property to the county.
- 571 (b) A person to whom a county offers to reconvey property under Subsection (4)(a) has

- 572 90 days to accept or reject the county's offer.
- 573 (c) If a person to whom a county offers to reconvey property declines the offer, the
574 county may offer the property for sale in accordance with the requirements of Title
575 11, Chapter 1, Part 2, Disposal of Public Property.
- 576 (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by
577 a community development or urban renewal agency.
- 578 (5)(a) A county may not, as part of an infrastructure improvement, require the
579 installation of pavement on a residential roadway at a width in excess of 32 feet.
- 580 (b) Subsection (5)(a) does not apply if a county requires the installation of pavement in
581 excess of 32 feet:
- 582 (i) in a vehicle turnaround area;
- 583 (ii) in a cul-de-sac;
- 584 (iii) to address specific traffic flow constraints at an intersection, mid-block
585 crossings, or other areas;
- 586 (iv) to address an applicable general or master plan improvement, including
587 transportation, bicycle lanes, trails, or other similar improvements that are not
588 included within an impact fee area;
- 589 (v) to address traffic flow constraints for service to or abutting higher density
590 developments or uses that generate higher traffic volumes, including community
591 centers, schools, and other similar uses;
- 592 (vi) as needed for the installation or location of a utility which is maintained by the
593 county and is considered a transmission line or requires additional roadway width;
- 594 (vii) for third-party utility lines that have an easement preventing the installation of
595 utilities maintained by the county within the roadway;
- 596 (viii) for utilities over 12 feet in depth;
- 597 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 598 (x) as needed for flood and stormwater routing;
- 599 (xi) as needed to meet fire code requirements for parking and hydrants; or
600 (xii) as needed to accommodate street parking.
- 601 (c) Nothing in this section shall be construed to prevent a county from approving a road
602 cross section with a pavement width less than 32 feet.
- 603 (d)(i) A land use applicant may appeal a municipal requirement for pavement in
604 excess of 32 feet on a residential roadway.
- 605 (ii) A land use applicant that has appealed a municipal specification for a residential

606 roadway pavement width in excess of 32 feet may request that the county
607 assemble a panel of qualified experts to serve as the appeal authority for purposes
608 of determining the technical aspects of the appeal.

609 (iii) Unless otherwise agreed by the applicant and the county, the panel described in
610 Subsection (5)(d)(ii) shall consist of the following three experts:

611 (A) one licensed engineer, designated by the county;

612 (B) one licensed engineer, designated by the land use applicant; and

613 (C) one licensed engineer, agreed upon and designated by the two designated
614 engineers under Subsections (5)(d)(iii)(A) and (B).

615 (iv) A member of the panel assembled by the county under Subsection (5)(d)(ii) may
616 not have an interest in the application that is the subject of the appeal.

617 (v) The land use applicant shall pay:

618 (A) 50% of the cost of the panel; and

619 (B) the county's published appeal fee.

620 (vi) The decision of the panel is a final decision, subject to a petition for review under
621 Subsection (5)(d)(vii).

622 (vii) In accordance with Section 17-79-1009, a land use applicant or the county may
623 file a petition for review of the decision with the district court within 30 days after
624 the date that the decision is final.

625 Section 15. Section **17B-1-103** is amended to read:

626 **17B-1-103 . Special district status and powers -- Registration as a limited**
627 **purpose entity.**

628 (1) A special district:

629 (a) is:

630 (i) a body corporate and politic with perpetual succession;

631 (ii) a quasi-municipal corporation;

632 (iii) a political subdivision of the state; and

633 (iv) separate and distinct from and independent of any other political subdivision of
634 the state; and

635 (b) may sue and be sued.

636 (2) A special district may:

637 (a) acquire, by any lawful means, or lease any real property, personal property, or a

638 groundwater right necessary or convenient to the full exercise of the district's powers;

639 (b) acquire, by any lawful means, any interest in real property, personal property, or a

- 640 groundwater right necessary or convenient to the full exercise of the district's powers;
- 641 (c) subject to Subsection (8), transfer an interest in or dispose of any property or interest
- 642 described in Subsections (2)(a) and (b);
- 643 (d) acquire or construct works, facilities, and improvements necessary or convenient to
- 644 the full exercise of the district's powers, and operate, control, maintain, and use those
- 645 works, facilities, and improvements;
- 646 (e) borrow money and incur indebtedness for any lawful district purpose;
- 647 (f) issue bonds, including refunding bonds:
- 648 (i) for any lawful district purpose; and
- 649 (ii) as provided in and subject to Part 11, Special District Bonds;
- 650 (g) levy and collect property taxes:
- 651 (i) for any lawful district purpose or expenditure, including to cover a deficit
- 652 resulting from tax delinquencies in a preceding year; and
- 653 (ii) as provided in and subject to Part 10, Special District Property Tax Levy;
- 654 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
- 655 domain property necessary to the exercise of the district's powers;
- 656 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 657 (j)(i) impose fees or other charges for commodities, services, or facilities provided by
- 658 the district, to pay some or all of the district's costs of providing the commodities,
- 659 services, and facilities, including the costs of:
- 660 (A) maintaining and operating the district;
- 661 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
- 662 (C) issuing bonds and paying debt service on district bonds; and
- 663 (D) providing a reserve established by the board of trustees; and
- 664 (ii) take action the board of trustees considers appropriate and adopt regulations to
- 665 assure the collection of all fees and charges that the district imposes;
- 666 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
- 667 property to district facilities in order for the district to provide service to the property;
- 668 (l) enter into a contract that the special district board of trustees considers necessary,
- 669 convenient, or desirable to carry out the district's purposes, including a contract:
- 670 (i) with the United States or any department or agency of the United States;
- 671 (ii) to indemnify and save harmless; or
- 672 (iii) to do any act to exercise district powers;
- 673 (m) purchase supplies, equipment, and materials;

- 674 (n) encumber district property upon terms and conditions that the board of trustees
675 considers appropriate;
- 676 (o) exercise other powers and perform other functions that are provided by law;
- 677 (p) construct and maintain works and establish and maintain facilities, including works
678 or facilities:
- 679 (i) across or along any public street or highway, subject to Subsection (3) and if the
680 district:
- 681 (A) promptly restores the street or highway, as much as practicable, to its former
682 state of usefulness; and
- 683 (B) does not use the street or highway in a manner that completely or
684 unnecessarily impairs the usefulness of it;
- 685 (ii) in, upon, or over any vacant public lands that are or become the property of the
686 state, including school and institutional trust lands, as defined in Section
687 53C-1-103, if the director of the School and Institutional Trust Lands
688 Administration, acting under Sections 53C-1-102 and 53C-1-303, consents; or
- 689 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 690 (q) perform any act or exercise any power reasonably necessary for the efficient
691 operation of the special district in carrying out its purposes;
- 692 (r)(i) except for a special district described in Subsection (2)(r)(ii), designate an
693 assessment area and levy an assessment on land within the assessment area, as
694 provided in Title 11, Chapter 42, Assessment Area Act; or
- 695 (ii) for a special district created to assess a groundwater right in a critical
696 management area described in Subsection 17B-1-202(1), designate an assessment
697 area and levy an assessment, as provided in Title 11, Chapter 42, Assessment Area
698 Act, on a groundwater right to facilitate a groundwater management plan;
- 699 (s) contract with another political subdivision of the state to allow the other political
700 subdivision to use the district's surplus water or capacity or have an ownership
701 interest in the district's works or facilities, upon the terms and for the consideration,
702 whether monetary or nonmonetary consideration or no consideration, that the
703 district's board of trustees considers to be in the best interests of the district and the
704 public;
- 705 (t) upon the terms and for the consideration, whether monetary or nonmonetary
706 consideration or no consideration, that the district's board of trustees considers to be
707 in the best interests of the district and the public, agree:

- 708 (i)(A) with another political subdivision of the state; or
709 (B) with a public or private owner of property on which the district has a
710 right-of-way or adjacent to which the district owns fee title to property; and
711 (ii) to allow the use of property:
712 (A) owned by the district; or
713 (B) on which the district has a right-of-way; and
714 (u) if the special district receives, as determined by the special district board of trustees,
715 adequate monetary or nonmonetary consideration in return:
716 (i) provide services or nonmonetary assistance to a nonprofit entity;
717 (ii) waive fees required to be paid by a nonprofit entity; or
718 (iii) provide monetary assistance to a nonprofit entity, whether from the special
719 district's own funds or from funds the special district receives from the state or any
720 other source.
- 721 (3) With respect to a special district's use of a street or highway, as provided in Subsection
722 (2)(p)(i):
723 (a) the district shall comply with the reasonable rules and regulations of the
724 governmental entity, whether state, county, or municipal, with jurisdiction over the
725 street or highway, concerning:
726 (i) an excavation and the refilling of an excavation;
727 (ii) the relaying of pavement; and
728 (iii) the protection of the public during a construction period; and
729 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over
730 the street or highway:
731 (i) may not require the district to pay a license or permit fee or file a bond; and
732 (ii) may require the district to pay a reasonable inspection fee.
- 733 (4)(a) A special district may:
734 (i) acquire, lease, or construct and operate electrical generation, transmission, and
735 distribution facilities, if:
736 (A) the purpose of the facilities is to harness energy that results inherently from
737 the district's operation of a project or facilities that the district is authorized to
738 operate or from the district providing a service that the district is authorized to
739 provide;
740 (B) the generation of electricity from the facilities is incidental to the primary
741 operations of the district; and

- 742 (C) operation of the facilities will not hinder or interfere with the primary
743 operations of the district; and
- 744 (ii)(A) use electricity generated by the facilities described in Subsection (4)(a)(i);
745 or
- 746 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an
747 electric utility or municipality with an existing system for distributing
748 electricity.
- 749 (b) A district may not act as a retail distributor or seller of electricity.
- 750 (c) Revenue that a district receives from the sale of electricity from electrical generation
751 facilities [it] the district owns or operates under this section may be used for any
752 lawful district purpose, including the payment of bonds issued to pay some or all of
753 the cost of acquiring or constructing the facilities.
- 754 (5) A special district may adopt and, after adoption, alter a corporate seal.
- 755 (6)(a) Each special district shall register and maintain the special district's registration as
756 a limited purpose entity, in accordance with Section 67-1a-15.
- 757 (b) A special district that fails to comply with Subsection (6)(a) or Section 67-1a-15 is
758 subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 759 (7)(a) As used in this Subsection (7), "knife" means a cutting instrument that includes a
760 sharpened or pointed blade.
- 761 (b) The authority to regulate a knife is reserved to the state except where the Legislature
762 specifically delegates responsibility to a special district.
- 763 (c) Unless specifically authorized by the Legislature by statute, a special district may not
764 adopt or enforce a regulation or rule pertaining to a knife.
- 765 (8) A special district that disposes of or conveys real property shall comply with Title 11,
766 Chapter 1, Part 2, Disposal of Public Property.
- 767 Section 16. Section **17C-1-202** is amended to read:
- 768 **17C-1-202 . Agency powers.**
- 769 (1) An agency may:
- 770 (a) sue and be sued;
- 771 (b) enter into contracts generally;
- 772 (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real
773 or personal property;
- 774 (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal
775 property, subject to the requirements of Title 11, Chapter 1, Part 2, Disposal of Public

- 776 Property;
- 777 (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may
- 778 include the use of agency funds or the collection of revenue;
- 779 (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 780 (g) provide for project area development as provided in this title;
- 781 (h) receive and use agency funds as provided in this title;
- 782 (i) if disposing of or leasing land, retain controls or establish restrictions and covenants
- 783 running with the land consistent with the project area plan;
- 784 (j) accept financial or other assistance from any public or private source for the agency's
- 785 activities, powers, and duties, and expend any funds the agency receives for any
- 786 purpose described in this title;
- 787 (k) borrow money or accept financial or other assistance from a public entity or any
- 788 other source for any of the purposes of this title and comply with any conditions of
- 789 any loan or assistance;
- 790 (l) issue bonds to finance the undertaking of any project area development or for any of
- 791 the agency's other purposes, including:
- 792 (i) reimbursing an advance made by the agency or by a public entity to the agency;
- 793 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
- 794 (iii) refunding bonds to pay or retire bonds previously issued by the community that
- 795 created the agency for expenses associated with project area development;
- 796 (m) pay an impact fee, exaction, or other fee imposed by a community in connection
- 797 with land development;
- 798 (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
- 799 (o) transact other business and exercise all other powers described in this title.
- 800 (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a
- 801 public purpose.
- 802 (3) An agency may acquire real property under Subsection (1)(c) that is outside a project
- 803 area only if the board determines that the property will benefit a project area.
- 804 (4) An agency is not subject to Section 10-8-2, governing municipal appropriations and the
- 805 acquisition and disposal of municipal property, or Section 17-78-103, governing the
- 806 acquisition, management, and disposal of county property.
- 807 (5)(a) An agency may, subject to Subsection (5)(c), enter into a participation agreement
- 808 with a person to govern the development the person will undertake within a project
- 809 area.

- 810 (b) A participation agreement under Subsection (5)(a) shall include a description of:
811 (i) the project area development that the person will undertake;
812 (ii) the amount of project area funds the agency agrees to pay to the person to
813 facilitate the development; and
814 (iii) the terms and conditions under which the agency agrees to pay project area funds
815 to the person.
- 816 (c)(i) A participation agreement under Subsection (5)(a) is subject to board approval
817 by resolution of the board.
818 (ii) A resolution under Subsection (5)(c)(i) shall include a finding by the board
819 describing how the project area development described in the participation
820 agreement will contribute to achieving the goals, policies, and purposes of the
821 project area plan.
- 822 (d)(i) Beginning on May 7, 2025, any participation agreement under this Subsection
823 (5) shall include a provision authorizing the agency, directly or through the county
824 in which the agency operates, to use funding that would otherwise be provided to
825 the participant to pay a participant's delinquent property tax or privilege tax or
826 resolve a political subdivision lien against the participant, as described in
827 Subsection 17C-1-409(6).
828 (ii) An agency that has entered into a participation agreement before May 7, 2025,
829 shall, as soon as reasonably practical, enter into an amendment to the participation
830 agreement with a participant to include a provision authorizing the agency to use
831 funding that would otherwise be provided to the participant to pay a participant's
832 delinquent property tax or privilege tax or resolve a political subdivision lien
833 against the participant, as described in Subsection 17C-1-409(6).

834 Section 17. Section **35A-8-407** is amended to read:

835 **35A-8-407 . Powers of housing authority.**

- 836 (1) An authority has perpetual succession and all the powers necessary to carry out the
837 purposes of this part.
- 838 (2) An authority may:
- 839 (a) sue and be sued;
- 840 (b) have a seal and alter [it] the seal;
- 841 (c) make and execute contracts and other instruments necessary to the exercise of its
842 powers;
- 843 (d) make, amend, and repeal bylaws and rules;

- 844 (e) within its area of operation, prepare, carry out, and operate projects and provide for
845 the acquisition, construction, reconstruction, rehabilitation, improvement, extension,
846 alteration or repair of any project;
- 847 (f) undertake and carry out studies and analyses of housing needs within its area of
848 operation and ways of meeting those needs, including data with respect to population
849 and family groups and its distribution according to income groups, the amount and
850 quality of available housing, including accessible housing, and its distribution
851 according to rentals and sales prices, employment, wages and other factors affecting
852 the local housing needs and meeting these needs;
- 853 (g)(i) make the results of studies and analyses available to the public and the
854 building, housing, and supply industries; and
855 (ii) engage in research and disseminate information on housing programs;
- 856 (h) utilize, contract with, act through, assist, and cooperate or deal with any person,
857 agency, institution, or organization, public or private, for the provision of services,
858 privileges, works, or facilities, or in connection with its projects;
- 859 (i) notwithstanding anything to the contrary contained in this part or in any other
860 provision of law:
- 861 (i) agree to any conditions attached to federal financial assistance relating to the
862 determination of prevailing salaries or wages or payment of not less than
863 prevailing salaries or wages or compliance with labor standards in the
864 development or administration of projects;
- 865 (ii) include in any contract awarded or entered into in connection with a project
866 stipulations requiring that the contractor and all subcontractors comply with
867 requirements as to minimum salaries or wages and maximum hours of labor; and
868 (iii) comply with any conditions attached to the financial aid of the project;
- 869 (j) lease, rent, sell, or lease with the option to purchase any dwellings, lands, buildings,
870 structures, or facilities embraced in a project;
- 871 (k) subject to the limitations contained in this part with respect to the rental or charges
872 for dwellings in housing projects, establish and revise the rents or charges for the
873 dwellings;
- 874 (l) own, hold, and improve real or personal property;
- 875 (m) purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or
876 otherwise any real or personal property or any interest in it;
- 877 (n) sell, lease, exchange, transfer, assign, pledge, or dispose of real or personal property

- 878 or any interest in it;
- 879 (o) make loans for the provision of housing for occupancy by persons of medium and
880 low income;
- 881 (p) make loans or grants for the development and construction of accessible housing;
- 882 (q) insure or provide for the insurance, in stock or mutual companies, of real or personal
883 property or operations of the authority against any risks or hazards;
- 884 (r) procure or agree to the procurement of government insurance or guarantees of the
885 payment of any bonds, in whole or in part, issued by the authority, including the
886 power to pay premiums on the insurance;
- 887 (s) invest money held in reserves, sinking funds, or any funds not required for immediate
888 disbursement in property or securities in which savings banks may legally invest
889 money subject to their control;
- 890 (t) redeem its bonds at the redemption price established or purchase its bonds at less than
891 redemption price, with all bonds that are redeemed or purchased to be canceled;
- 892 (u) within its area of operation, determine where blighted areas exist or where there is
893 unsafe, insanitary, or overcrowded housing;
- 894 (v) make studies and recommendations relating to the problem of clearing, replanning,
895 and reconstructing blighted areas, and the problem of eliminating unsafe, insanitary,
896 or overcrowded housing and providing dwelling accommodations and maintaining a
897 wholesome living environment for persons of medium and low income, and
898 cooperate with any public body or the private sector in action taken in connection
899 with those problems;
- 900 (w) acting through one or more commissioners or other persons designated by the
901 authority, conduct examinations and investigations and hear testimony and take proof
902 under oath at public or private hearings on any matter material for its information;
- 903 (x) administer oaths, issue subpoenas requiring the attendance of witnesses or the
904 production of books and papers, and issue commissions for the examination of
905 witnesses outside the state who are unable to appear before the authority or are
906 excused from attendance;
- 907 (y) make available to appropriate agencies, including those charged with the duty of
908 abating or requiring the correction of nuisances or like conditions or of demolishing
909 unsafe or insanitary structures within its area of operation, its findings and
910 recommendations with regard to any building or property where conditions exist that
911 are dangerous to the public health, morals, safety, or welfare; and

- 912 (z) exercise all or any part or combination of the powers granted under this part.
- 913 (3)(a) If there are two or more housing authorities established within a county of the first
914 or second class, then those housing authorities shall create a uniform online
915 application for the housing choice voucher program with links to each of the housing
916 authorities within the county.
- 917 (b) As used in Subsection (3)(a), "housing choice voucher program" means the federal
918 government's housing assistance program administered by a housing authority, which
919 enables low-income families, the elderly, and the disabled to secure decent, safe, and
920 sanitary housing in the private market.
- 921 (4)(a) No provision of law with respect to the acquisition, operation, or disposition of
922 property by other public bodies is applicable to an authority unless the Legislature
923 specifically states that it is.
- 924 (b) An authority, other than a housing authority described in Section 35A-8-403, shall
925 comply with the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property.
926 Section 18. Section **53G-4-902** is amended to read:
927 **53G-4-902 . Purchase of surplus property.**
- 928 (1) An eligible entity may purchase, and each school district shall sell, surplus property as
929 provided in this section.
- 930 (2)(a) Upon declaring land to be surplus property, each school district shall give written
931 notice to each eligible entity in which the surplus property is located.
- 932 (b) Each notice under Subsection (2)(a) shall:
- 933 (i) state that the school district has declared the land to be surplus property; and
934 (ii) describe the surplus property.
- 935 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by
936 paying the school district the purchase price.
- 937 (4)(a) The legislative body of each eligible entity desiring to purchase surplus property
938 under this section shall:
- 939 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt
940 a resolution declaring the intent to purchase the surplus property and deliver a
941 copy of the resolution to the school district; and
942 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i)
943 to the school district, deliver to the school district an earnest money offer to
944 purchase the surplus property at the purchase price.
- 945 (b) If an eligible entity fails to comply with either of the requirements under Subsection

- 946 (4)(a) within the applicable time period, the eligible entity forfeits the right to
 947 purchase the surplus property.
- 948 (5)(a) An eligible entity may waive the eligible entity's right to purchase surplus
 949 property under this part by submitting a written waiver to the school district.
- 950 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has
 951 no further obligation under this part to sell the surplus property to the eligible entity.
- 952 (6) Surplus property acquired by an eligible entity may not be used for any purpose other
 953 than:
- 954 (a) a county, city, or town hall;
- 955 (b) a park or other open space;
- 956 (c) a cultural center or community center;
- 957 (d) a facility for the promotion, creation, or retention of public or private jobs within the
 958 state through planning, design, development, construction, rehabilitation, business
 959 relocation, or any combination of these, within a county, city, or town;
- 960 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public
 961 or private facilities, or other improvements that benefit the state or a county, city, or
 962 town;
- 963 (f) a facility for a charter school under Chapter 5, Charter Schools; or
- 964 (g) the sale, use, or lease for moderate income housing, as defined in Section 63L-12-101.
- 965 (7) If no eligible entity delivers a copy of a resolution to the school district as described in
 966 Subsection (4)(a)(i) within 90 days of the day on which the school district notifies
 967 eligible entities under Subsection (2), the school district may sell surplus property in
 968 accordance with Title 11, Chapter 1, Part 2, Disposal of Public Property.
- 969 [(7)] (8)(a) A school district that sells surplus property under this part may use proceeds
 970 from the sale only for bond debt reduction or school district capital facilities.
- 971 (b) Each school district that sells surplus property under this part shall place all proceeds
 972 from the sale that are not used for bond debt reduction in a capital facilities fund of
 973 the school district for use for school district capital facilities.
- 974 **Section 19. Repealer.**
- 975 This bill repeals:
- 976 **Section 11-1-3, False certificate -- Class A misdemeanor.**
- 977 **Section 11-1-6, Violation of act a misdemeanor.**
- 978 **Section 20. Effective Date.**
- 979 This bill takes effect on May 6, 2026.