

HB0535S04 compared with HB0535S01

~~{Omitted text}~~ shows text that was in HB0535S01 but was omitted in HB0535S04
inserted text shows text that was not in HB0535S01 but was inserted into HB0535S04

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1 **Disposition of Public Property Modifications**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: R. Neil Walter
Senate Sponsor: Daniel McCay



2
3 **LONG TITLE**

4 **General Description:**

5 This bill deals with the disposition of certain publicly owned ~~{real}~~ property.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms and modifies definitions;
- 9 ▶ provides a process for a local governmental entity to dispose of public property;
- 10 ▶ requires a local governmental entity to determine if public property constitutes a significant
11 parcel;
- 12 ▶ requires the governing body of a local governmental entity to approve the disposal of a
13 significant parcel in a public meeting;
- 14 ▶ provides that a local governmental entity shall comply with statutory provisions specific to the
15 type of local governmental entity in addition to the provisions of Title 11, Chapter 1, Part 2, Disposal of
16 Public Property, when disposing of public property, subject to certain exemptions;
- 17 ▶

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authorizes a school district to sell surplus property in accordance with Title 11, Chapter 1, Part 2, Disposal of Public Property, if no eligible entity purchases the surplus property within { one-year } a certain time period;

- 20 ▸ repeals a criminal penalty; and
- 21 ▸ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

- 29 **10-8-2** , as last amended by Laws of Utah 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, Chapter 13
- 33 **17-78-103** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
- 35 **17-79-812** , as renumbered and amended by Laws of Utah 2025, First Special Session, 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 365)
- 50 **11-1-102** , (Renumbered from 11-1-2, as last amended by Laws of Utah 1993, Chapter 227)
- 52 **11-1-103** , (Renumbered from 11-1-4, as last amended by Laws of Utah 1992, Chapter 285)
- 54 **11-1-104** , (Renumbered from 11-1-5, Utah Code Annotated 1953)

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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

58

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

62 (1)

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

63 (i) appropriate money for corporate purposes only;

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

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

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

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

75 (b) A municipality may:

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

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

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

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

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- 86 (d) Subsection (1)(b) may not be construed to diminish any other authority a municipality may
claim to have under the law to acquire by eminent domain property located inside or outside the
municipality.
- 89 (2)
- (a) Services or assistance provided in accordance with Subsection (1)(a)(v) is not subject to the
provisions of Subsection (3).
- 91 (b) The total amount of services or other nonmonetary assistance provided or fees waived under
Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the municipality's budget for
that fiscal year.
- 94 (3) It is considered a corporate purpose to appropriate money for any purpose that, in the judgment of
the municipal legislative body, provides for the safety, health, prosperity, moral well-being, peace,
order, comfort, or convenience of the inhabitants of the municipality subject to this Subsection (3).
- 98 (a) The net value received for any money appropriated shall be measured on a project-by-project basis
over the life of the project.
- 100 (b)
- (i) A municipal legislative body shall establish the criteria for a determination under this Subsection (3).
- 102 (ii) A municipal legislative body's determination of value received is presumed valid unless a person
can show that the determination was arbitrary, capricious, or illegal.
- 105 (c) The municipality may consider intangible benefits received by the municipality in determining net
value received.
- 107 (d)
- (i) Before the municipal legislative body makes any decision to appropriate any funds for a corporate
purpose under this section, the municipal legislative body shall hold a public hearing.
- 110 (ii) For at least 14 days before the date of the hearing, the municipal legislative body shall publish a
notice of the hearing described in Subsection (3)(d)(i) for the municipality, as a class A notice under
Section 63G-30-102.
- 113 (e)
- (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the municipality shall
perform a study that analyzes and demonstrates the purpose for an appropriation described in this
Subsection (3) in accordance with Subsection (3)(e)(iii).

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- (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at the municipality for review by interested parties at least 14 days immediately before the public hearing described in Subsection (3)(d)(i).
- 120 (iii) A municipality shall consider the following factors when conducting the study described in
Subsection (3)(e)(i):
- 122 (A) what identified benefit the municipality will receive in return for any money or resources
appropriated;
- 124 (B) the municipality's purpose for the appropriation, including an analysis of the way the appropriation
will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or
convenience of the inhabitants of the municipality; and
- 128 (C) whether the appropriation is necessary and appropriate to accomplish the reasonable goals and
objectives of the municipality in the area of economic development, job creation, affordable
housing, elimination of a development impediment, job preservation, the preservation of historic
structures and property, and any other public purpose.
- 133 (f)
- (i) An appeal may be taken from a final decision of the municipal legislative body, to make an
appropriation.
- 135 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district court within 30
days after the day on which the municipal legislative body makes a decision.
- 138 (iii) Any appeal shall be based on the record of the proceedings before the legislative body.
- 140 (iv) A decision of the municipal legislative body shall be presumed to be valid unless the appealing
party shows that the decision was arbitrary, capricious, or illegal.
- 142 (g) The provisions of this Subsection (3) apply only to those appropriations made after May 6, 2002.
- 144 (h) This section applies only to appropriations not otherwise approved in accordance with Title 10,
Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform Fiscal
Procedures Act for Utah Cities.
- 147 (4)
- (a) As used in this Subsection (4), "proposed disposition" means an offering to sell or lease real
property, or enter into a joint venture regarding real property, that includes information about the
terms of the purchase or sale, including price and proposed time frame for closing.
- 151 (b) Before a municipality may dispose of a significant parcel of real property, the municipality shall:

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- 153 (i) comply with the publication requirements of Section 11-1-203 before selecting or making a proposed
154 disposition;
- 155 (ii) provide notice of the proposed disposition for the municipality, as a class A notice under Section
156 63G-30-102, for at least 14 days before the opportunity for public comment under Subsection [(4)(a)
157 (ii)] (4)(b)(iii); and
- 158 [(ii)] (iii) allow an opportunity for public comment on the proposed disposition.
- 159 [(b)] (c) Each municipality shall, by ordinance, define what constitutes a significant parcel of real
160 property for purposes of Subsection [(4)(a)] (4)(b).
- 161 (d) Before a municipality may dispose of a parcel of real property that is not a significant parcel, the
162 municipality shall comply with the requirements of Subsection {~~11-1-203(2)~~ 11-1-203(3)}.
- 164 (5)
- (a) Except as provided in Subsection (5)(d), each municipality intending to acquire real property for
the purpose of expanding the municipality's infrastructure or other facilities used for providing
services that the municipality offers or intends to offer shall provide written notice, as provided in
this Subsection (5), of its intent to acquire the property if:
- 169 (i) the property is located:
- 170 (A) outside the boundaries of the municipality; and
- 171 (B) in a county of the first or second class; and
- 172 (ii) the intended use of the property is contrary to:
- 173 (A) the anticipated use of the property under the general plan of the county in whose unincorporated
area or the municipality in whose boundaries the property is located; or
- 176 (B) the property's current zoning designation.
- 177 (b) Each notice under Subsection (5)(a) shall:
- 178 (i) indicate that the municipality intends to acquire real property;
- 179 (ii) identify the real property; and
- 180 (iii) be sent to:
- 181 (A) each county in whose unincorporated area and each municipality in whose boundaries the property
is located; and
- 183 (B) each affected entity.
- 184 (c) A notice under this Subsection (5) is a protected record as provided in Subsection 63G-2-305(8).
- 186 (d)

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(i) The notice requirement of Subsection (5)(a) does not apply if the municipality previously provided notice under Section 10-20-203 identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.

(ii) If a municipality is not required to comply with the notice requirement of Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real property.

Section 2. Section **11-1-101** is renumbered and amended to read:

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** 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** 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.

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224 Section 5. Section **11-1-104** is renumbered and amended to read:

226 ~~[11-1-5]~~**11-1-104. Form, time, and place of payment -- Held in trust.**

226 (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.

231 (b) Principal and interest shall be made payable only at a duly incorporated bank or trust company operating under state or national banking laws or principal and interest may be made payable at such a bank or trust company or at the office of the treasurer of the issuer, at the option of the holder; provided, such alternative places of payment 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 county, municipality, school district or other taxing unit within this state paid to anyone other than the owner of such bonds shall be regarded and held as trust funds, and the person, firm or corporation so receiving the same shall be held as a trustee of such funds holding the same for the benefit of the owners and holders of such bonds until the same are fully paid over.

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

247 Section 6. Section **6** is enacted to read:

249 **11-1-201. Definitions.**

2. Disposal of Public Property

As used in this part:

251 (1)

250 (1){(a)} "Dispose" means to sell, convey, donate, or otherwise permanently change the ownership of real property.

253 (b) "Dispose" does not include an exchange of a parcel of real property for another parcel of real property described in Subsection 11-1-205(2).

252 (2) "Governing body" means:

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- 253 (a) for a municipality or a county, the legislative body;
254 (b) for an agency, the agency board;
255 (c) for a special district, special service district, local building authority, conservation district, or public
infrastructure district, the board of trustees;
257 (d) for a housing authority, the board of commissioners; and
258 (e) for a school district, the school board.
259 (3) "Local governmental entity" means:
260 (a) a municipality;
261 (b) a county;
262 (c) an agency, as that term is defined in Section 17C-1-102;
263 (d) a special district created under Title 17B, Limited Purpose Local Government Entities - Special
Districts;
265 (e) a special service district, local building authority, or conservation district created under Title 17D,
Limited Purpose Local Government Entities - Other Entities;
267 (f) a housing authority, other than a housing authority described in Section 35A-8-403; and
269 (g) a school district.
270 (4) "Public property" means real property owned by a local governmental entity.
271 (5) "Real estate offering website" means any publicly accessible website that describes real property
that is for sale.
273 ~~{(6) }~~
~~{(a) {"Significant parcel" means real property that has an estimated fair market value of \$500,000 or~~
~~more.} }~~
275 ~~{(b) {"Significant parcel" also means the same as that term is defined in a relevant local governmental~~
~~entity ordinance or resolution, as described in Subsection 11-1-202(2).} }~~
276 Section 7. Section 7 is enacted to read:
277 **11-1-202. {Initiating disposal of public property --} Determination of a significant parcel {--**
Determination of fair market value} .
280 (1) Before disposing of public property, a local governmental entity shall:
281 (a) {subject to Subsection (2),} determine if the public property constitutes a significant parcel; and
283 (b) comply with:
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- (i) any statutory requirements specific to the local governmental entity and the local governmental entity's public property; and
- 286 (ii) the applicable requirements of this part.
- 287 (2) ~~{Notwithstanding the definition of }~~ In making a determination on whether public property
constitutes a significant parcel {in Section 11-1-201} :
- 288 (a) a municipality ~~{may-}~~ shall apply the municipality's ordinance~~{,-as-}~~ described in Subsection
10-8-2(4)~~{, when determining whether a public property constitutes a significant parcel} ;~~
- 291 (b) a county ~~{may-}~~ shall apply the county's ordinance~~{,-as-}~~ described in Subsection 17-78-103(4)~~;~~
when determining whether a public property constitutes a significant parcel} ; and
- 293 (c) if a local governmental entity not described in Subsection (2)(a) or (b) has an ordinance or resolution
defining "significant parcel," the local governmental entity ~~{may-}~~ shall apply that definition , if
the definition ~~{recognizes a value of at least \$500,000}~~ is reasonably similar to the definition in
Subsection (3).
- 293 (3) If a local governmental entity does not define significant parcel in a local ordinance or resolution,
"significant parcel" means real property that has an estimated fair market value of \$500,000 or
more.
- 296 Section 8. Section 8 is enacted to read:
- 297 **11-1-203. Publication requirements-- Political subdivisions retain discretion.**
- 298 (1) Before disposing of public property that the local governmental entity has classified as a significant
parcel, as described in Section 11-1-202, a local governmental entity shall:
- 300 (a) publish an announcement of the local governmental entity's intent to dispose of the public property
on the local governmental entity's website or a real estate offering website for a minimum of 45
consecutive days;
- 303 (b) post a physical sign on the public property indicating that:
- 304 (i) the public property is for sale; and
- 305 (ii) offers on the public property may be made to the local governmental entity; and
- 306 (c) announce the local governmental entity's intent to dispose of the public property during a public
meeting.
- 308 (2) A local governmental entity may offer the public property for sale on one or more real estate
offering websites.

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

313 (a) the public property is for sale; and

314 (b) offers on the public property may be made to the local governmental entity.

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

319 Section 9. Section **9** is enacted to read:

320 **11-1-204. Public meeting to approve disposal.**

321 (1)

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

318 (a){(i)} complying with any statutory provisions outside this part that govern the local governmental entity and the local governmental entity's public property; and

320 (b){(ii)} except as provided in Subsection (2), the governing body approves the disposal by majority vote in a public meeting.

321 (2){(b)} In {~~the~~} a public meetingdescribed in Subsection (1)(a)(ii), the governing body shall disclose the details of the proposed offer, including:

323 (a){(i)} if a sale, the proposed purchaser and proposed price; and

324 (b){(ii)} if a lease or a joint venture, the terms of the offer and the proposed conveyee.

330 (2) If a local governmental entity has an ordinance or resolution governing the disposal of real property that does not require action from the governing body or a public meeting, the local governmental entity may comply with the local governmental entity's ordinance or resolution if:

334 (a) the local governmental entity has complied with the requirements of Section 11-1-203; and

336 (b) the ordinance or resolution provides a method by which the public is informed of the local governmental entity's action, either before the action takes place or in a reasonable time after the action takes place.

339 Section 10. Section **10** is enacted to read:

340 **11-1-205. Exceptions.**

The requirements of this part do not apply to:

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(1){(a)} a school district selling surplus property to an eligible entity, or to a county or municipality reselling surplus property to a school district, in accordance with Title 53G, Chapter 4, Part 9, Surplus School District Land;

331 (2){(b)} a local governmental entity offering public property back to the party the local governmental entity received the public property from, if required to do so by another provision of law; {or}

334 (3){(c)} a local governmental entity conveying public property to another local governmental entity{-};

350 (d) easements; or

351 (e) a lease at an airport for a term of less than 10 years.

352 (2)

(a) A political subdivision that exchanges real property for another parcel of real property is not required to comply with the provisions of this part if:

354 (i) both parties to the exchange are political subdivisions, both political subdivisions make a finding that the exchanged parcels are of reasonably equivalent value; or

356 (ii) only one party to the exchange is a political subdivision, the political subdivision makes a finding that the political subdivision's public property has roughly the same fair market value as the real property the political subdivision will receive in the exchange.

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

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

365 **11-13-227. Transportation reinvestment zones.**

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

341 (2) To create a transportation reinvestment zone, two or more public agencies, at least one of which has land use authority over the transportation reinvestment zone area, shall:

343 (a) define the transportation infrastructure need and proposed improvement;

344 (b) define the boundaries of the zone;

345 (c) establish terms for sharing sales tax revenue among the members of the agreement;

346 (d) establish a base year to calculate the increase of property tax revenue within the zone;

347 (e) establish terms for sharing any increase in property tax revenue within the zone; and

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(f) before an agreement is approved as required in Section 11-13-202.5, hold a public hearing regarding the details of the proposed transportation reinvestment zone.

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

352 (4)

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

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

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

360 (6)

(a) An action taken under this section { ~~that does not result in a conveyance of real property from a local governmental entity, as defined in Section 11-1-201,~~ } is not subject to:

363 (i) Section 10-8-2, except the provisions governing a municipality conveying real property do apply;

364 (ii) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act;

365 (iii) Title 17, Chapter 79, County Land Use, Development, and Management Act; or

366 (iv) Section 17-78-103, except the provisions governing a county conveying real property do apply.

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

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

398 **17-60-202. Counties authorized to levy and collect taxes, sue and be sued, and acquire property.**

372 (1)

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

373 (i) as prescribed by statute:

374 (A) levy a tax;

375 (B) perform an assessment;

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- 376 (C) collect a tax;
- 377 (D) borrow money; or
- 378 (E) levy and collect a special assessment for a conferred benefit; or
- 379 (ii) provide a service, exercise a power, or perform a function that is reasonably related to the
safety, health, morals, and welfare of county inhabitants.
- 381 (b) A county or a governmental instrumentality of a county may not perform an action described
in Subsection (1)(a)(i) or provide a service, exercise a power, or perform a function described
in Subsection (1)(a)(ii) in another county or a municipality within the other county without first
entering into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or other contract
with the other county to perform the action, provide the service, exercise the power, or perform the
function.
- 387 (2) A county may:
- 388 (a) sue and be sued;
- 389 (b)
- (i) subject to Subsection (4), acquire real property by tax sale, purchase, lease, contract, or gift; and
- 391 (ii) hold the real property acquired under Subsection (2)(b)(i) as necessary and proper for county
purposes;
- 393 (c)
- (i) subject to Subsections (3)(a) and (b), acquire real property by condemnation, as provided in Title
78B, Chapter 6, Part 5, Eminent Domain; and
- 395 (ii) hold the real property acquired under Subsection (2)(c)(i) as necessary and proper for county
purposes;
- 397 (d) as may be necessary to the exercise of its powers, acquire personal property by purchase, lease,
contract, or gift, and hold such personal property; and
- 399 (e) manage and dispose of its property as the interests of its inhabitants may require.
- 400 (3)
- (a) For purposes of Subsection (2)(c), water rights that are not appurtenant to land do not constitute real
property that may be acquired by the county through condemnation.
- 403 (b) Nothing in Subsection (2)(c) may be construed to authorize a county to acquire by condemnation
the rights to water unless the land to which those water rights are appurtenant is acquired by
condemnation.

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- 406 (4) Except as provided in Subsection (6) and subject to Section 17-78-103, each county intending to
acquire real property for the purpose of expanding the county's infrastructure or other facilities used
for providing services that the county offers or intends to offer shall provide written notice of the
county's intent to acquire the property if:
- 411 (a) the property is located:
- 412 (i) outside the boundaries of the unincorporated area of the county; and
- 413 (ii) in a county of the first or second class; and
- 414 (b) the intended use of the property is contrary to:
- 415 (i) the anticipated use of the property under the general plan of the county in whose unincorporated area
or the municipality in whose boundaries the property is located; or
- 418 (ii) the property's current zoning designation.
- 419 (5)
- (a) Each notice under Subsection (4) shall:
- 420 (i) indicate that the county intends to acquire real property;
- 421 (ii) identify the real property; and
- 422 (iii) be sent to:
- 423 (A) each county in whose unincorporated area and each municipality in whose boundaries the property
is located; and
- 425 (B) each affected entity.
- 426 (b) A notice under Subsection (4) is a protected record as provided in Subsection 63G-2-305(8).
- 428 (6) The notice requirement of Subsection (4) does not apply if the county previously provided notice
under Section 17-79-203 identifying the general location within the municipality or unincorporated
part of the county where the property to be acquired is located.
- 432 (7) If a county is not required to comply with the notice requirement of Subsection (4) because of
application of Subsection (6), the county shall provide the notice specified in Subsection (4) as soon
as practicable after the county's acquisition of the real property.
- 463 Section 13. Section **17-78-103** is amended to read:
- 464 **17-78-103. Acquisition, management, and disposal of property.**
- 437 (1) [~~Subject to Subsection (4), a-~~] A county may purchase, receive, hold, sell, lease, convey, or
otherwise acquire and dispose of any real or personal property or any interest in [~~sueh~~] real or
personal property if the action:

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- 440 (a) is in the public interest; and
441 (b) complies with:
442 (i) this section; and
443 (ii) other law, including, as applicable, Title 11, Chapter 1, Part 2, Disposal of Public Property.
- 445 (2) Any property interest acquired by the county shall be held in the name of the county unless specifically otherwise provided by law.
- 447 (3) The county legislative body shall provide by ordinance, resolution, rule, or regulation for the manner in which property shall be acquired, managed, and disposed of.
- 449 (4)
- (a) Before a county may dispose of a significant parcel of real property, the county shall:
- 451 (i) provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment under Subsection (4)(a)(ii); and
453 (ii) allow an opportunity for public comment on the proposed disposition.
- 454 (b) Each county shall, by ordinance, define what constitutes:
- 455 (i) a significant parcel of real property for purposes of Subsection (4)(a); and
456 (ii) reasonable notice for purposes of Subsection (4)(a)(i).
- 457 (5)
- (a) A county may dispose of a significant parcel of real property in exchange for less than the present fair market value of the significant parcel of real property if the adjusted present value of the significant parcel of real property is equal to or greater than the present fair market value of the significant parcel of real property.
- 461 (b) Subsection (5)(a) does not affect a county's authority to dispose of a significant parcel of real property in a manner different from Subsection (5)(a) and in accordance with applicable law.
- 464 (6) Before a county agrees to dispose of a significant parcel of real property, the county may require the potential purchaser or lessee to provide evidence that:
- 466 (a) the potential purchaser's or lessee's offer is bona fide;
467 (b) the potential purchaser or lessee has the ability to pay the disposition price; or
468 (c) any future benefits to the county from the disposal of the significant parcel of real property are reasonably anticipated.
- 470 (7) If a county receives an unsolicited offer to purchase or lease a significant parcel of real property:
472 (a) the county is not required to consider the offer; and

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- 473 (b) a person may not consider the offer in determining the present fair market value of the significant
parcel of real property, unless considering the offer is warranted under generally accepted standards
of professional appraisal practice.
- 476 (8) A county may presume that the present fair market value of a significant parcel of real property
is equal to the average of two appraised values each of which is based upon fair market value and
calculated by a unique, independent appraiser who is licensed or certified in accordance with Title
61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act.
- 509 Section 14. Section **17-79-812** is amended to read:
- 510 **17-79-812. Exactions -- Exaction for water interest -- Requirement to offer to original owner
property acquired by exaction.**
- 484 (1) A county may impose an exaction or exactions on development proposed in a land use application,
including, subject to Subsection (3), an exaction for a water interest, if:
- 486 (a) an essential link exists between a legitimate governmental interest and each exaction; and
- 488 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed
development.
- 490 (2) If a land use authority imposes an exaction for another governmental entity:
- 491 (a) the governmental entity shall request the exaction; and
- 492 (b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.
- 494 (3)
- (a)
- (i) Subject to the requirements of this Subsection (3), a county or, if applicable, the county's
culinary water authority shall base any exaction for a water interest on the culinary water
authority's established calculations of projected water interest requirements.
- 498 (ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction
for a culinary water interest on:
- 500 (A) consideration of the system-wide minimum sizing standards established for the culinary water
authority by the Division of Drinking Water in accordance with Section 19-4-114; and
- 503 (B) the number of equivalent residential connections associated with the culinary water demand for
each specific development proposed in the development's land use application, applying lower
exactions for developments with lower equivalent residential connections as demonstrated by at
least five years of usage data for like land uses within the county.

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- 508 (iii) A county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.
- 513 (iv) A county shall make public the methodology used to comply with Subsection (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (3)(a)(ii). A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.
- 519 (v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.
- 522 (b) A county or the county's culinary water authority may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).
- 526 (4)
- (a) If a county plans to dispose of surplus real property under Section 17-78-103 that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.
- 530 (b) A person to whom a county offers to reconvey property under Subsection (4)(a) has 90 days to accept or reject the county's offer.
- 532 (c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale in accordance with the requirements of Title 11, Chapter 1, Part 2, Disposal of Public Property.
- 535 (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.
- 537 (5)
- (a) A county may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.

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- 539 (b) Subsection (5)(a) does not apply if a county requires the installation of pavement in excess of 32
feet:
- 541 (i) in a vehicle turnaround area;
- 542 (ii) in a cul-de-sac;
- 543 (iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;
- 545 (iv) to address an applicable general or master plan improvement, including transportation, bicycle
lanes, trails, or other similar improvements that are not included within an impact fee area;
- 548 (v) to address traffic flow constraints for service to or abutting higher density developments or uses that
generate higher traffic volumes, including community centers, schools, and other similar uses;
- 551 (vi) as needed for the installation or location of a utility which is maintained by the county and is
considered a transmission line or requires additional roadway width;
- 553 (vii) for third-party utility lines that have an easement preventing the installation of utilities maintained
by the county within the roadway;
- 555 (viii) for utilities over 12 feet in depth;
- 556 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 557 (x) as needed for flood and stormwater routing;
- 558 (xi) as needed to meet fire code requirements for parking and hydrants; or
- 559 (xii) as needed to accommodate street parking.
- 560 (c) Nothing in this section shall be construed to prevent a county from approving a road cross section
with a pavement width less than 32 feet.
- 562 (d)
- (i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a
residential roadway.
- 564 (ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement
width in excess of 32 feet may request that the county assemble a panel of qualified experts to serve
as the appeal authority for purposes of determining the technical aspects of the appeal.
- 568 (iii) Unless otherwise agreed by the applicant and the county, the panel described in Subsection (5)(d)
(ii) shall consist of the following three experts:
- 570 (A) one licensed engineer, designated by the county;
- 571 (B) one licensed engineer, designated by the land use applicant; and
- 572

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

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

576 (v) The land use applicant shall pay:

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

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

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

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

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

613 **17B-1-103. Special district status and powers -- Registration as a limited purpose entity.**

587 (1) A special district:

588 (a) is:

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

590 (ii) a quasi-municipal corporation;

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

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

594 (b) may sue and be sued.

595 (2) A special district may:

596 (a) acquire, by any lawful means, or lease any real property, personal property, or a groundwater right necessary or convenient to the full exercise of the district's powers;

598 (b) acquire, by any lawful means, any interest in real property, personal property, or a groundwater right necessary or convenient to the full exercise of the district's powers;

600 (c) subject to Subsection (8), transfer an interest in or dispose of any property or interest described in Subsections (2)(a) and (b);

602 (d) acquire or construct works, facilities, and improvements necessary or convenient to the full exercise of the district's powers, and operate, control, maintain, and use those works, facilities, and improvements;

605 (e) borrow money and incur indebtedness for any lawful district purpose;

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- 606 (f) issue bonds, including refunding bonds:
607 (i) for any lawful district purpose; and
608 (ii) as provided in and subject to Part 11, Special District Bonds;
- 609 (g) levy and collect property taxes:
610 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting from tax
delinquencies in a preceding year; and
612 (ii) as provided in and subject to Part 10, Special District Property Tax Levy;
- 613 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent domain property
necessary to the exercise of the district's powers;
- 615 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
616 (j)
- (i) impose fees or other charges for commodities, services, or facilities provided by the district, to pay
some or all of the district's costs of providing the commodities, services, and facilities, including the
costs of:
- 619 (A) maintaining and operating the district;
620 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
621 (C) issuing bonds and paying debt service on district bonds; and
622 (D) providing a reserve established by the board of trustees; and
- 623 (ii) take action the board of trustees considers appropriate and adopt regulations to assure the collection
of all fees and charges that the district imposes;
- 625 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's property to
district facilities in order for the district to provide service to the property;
- 627 (l) enter into a contract that the special district board of trustees considers necessary, convenient, or
desirable to carry out the district's purposes, including a contract:
- 629 (i) with the United States or any department or agency of the United States;
630 (ii) to indemnify and save harmless; or
631 (iii) to do any act to exercise district powers;
- 632 (m) purchase supplies, equipment, and materials;
633 (n) encumber district property upon terms and conditions that the board of trustees considers
appropriate;
- 635 (o) exercise other powers and perform other functions that are provided by law;

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- 636 (p) construct and maintain works and establish and maintain facilities, including works or facilities:
638 (i) across or along any public street or highway, subject to Subsection (3) and if the district:
640 (A) promptly restores the street or highway, as much as practicable, to its former state of usefulness;
and
642 (B) does not use the street or highway in a manner that completely or unnecessarily impairs the
usefulness of it;
- 644 (ii) in, upon, or over any vacant public lands that are or become the property of the state, including
school and institutional trust lands, as defined in Section 53C-1-103, if the director of the School
and Institutional Trust Lands Administration, acting under Sections 53C-1-102 and 53C-1-303,
consents; or
- 648 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 649 (q) perform any act or exercise any power reasonably necessary for the efficient operation of the special
district in carrying out its purposes;
- 651 (r)
(i) except for a special district described in Subsection (2)(r)(ii), designate an assessment area and levy
an assessment on land within the assessment area, as provided in Title 11, Chapter 42, Assessment
Area Act; or
- 654 (ii) for a special district created to assess a groundwater right in a critical management area described
in Subsection 17B-1-202(1), designate an assessment area and levy an assessment, as provided
in Title 11, Chapter 42, Assessment Area Act, on a groundwater right to facilitate a groundwater
management plan;
- 658 (s) contract with another political subdivision of the state to allow the other political subdivision to
use the district's surplus water or capacity or have an ownership interest in the district's works or
facilities, upon the terms and for the consideration, whether monetary or nonmonetary consideration
or no consideration, that the district's board of trustees considers to be in the best interests of the
district and the public;
- 664 (t) upon the terms and for the consideration, whether monetary or nonmonetary consideration or no
consideration, that the district's board of trustees considers to be in the best interests of the district
and the public, agree:
- 667 (i)
(A) with another political subdivision of the state; or

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- 668 (B) with a public or private owner of property on which the district has a right-of-way or adjacent to
which the district owns fee title to property; and
- 670 (ii) to allow the use of property:
- 671 (A) owned by the district; or
- 672 (B) on which the district has a right-of-way; and
- 673 (u) if the special district receives, as determined by the special district board of trustees, adequate
monetary or nonmonetary consideration in return:
- 675 (i) provide services or nonmonetary assistance to a nonprofit entity;
- 676 (ii) waive fees required to be paid by a nonprofit entity; or
- 677 (iii) provide monetary assistance to a nonprofit entity, whether from the special district's own funds or
from funds the special district receives from the state or any other source.
- 680 (3) With respect to a special district's use of a street or highway, as provided in Subsection (2)(p)(i):
- 682 (a) the district shall comply with the reasonable rules and regulations of the governmental entity,
whether state, county, or municipal, with jurisdiction over the street or highway, concerning:
- 685 (i) an excavation and the refilling of an excavation;
- 686 (ii) the relaying of pavement; and
- 687 (iii) the protection of the public during a construction period; and
- 688 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over the street or
highway:
- 690 (i) may not require the district to pay a license or permit fee or file a bond; and
- 691 (ii) may require the district to pay a reasonable inspection fee.
- 692 (4)
- (a) A special district may:
- 693 (i) acquire, lease, or construct and operate electrical generation, transmission, and distribution
facilities, if:
- 695 (A) the purpose of the facilities is to harness energy that results inherently from the district's operation
of a project or facilities that the district is authorized to operate or from the district providing a
service that the district is authorized to provide;
- 699 (B) the generation of electricity from the facilities is incidental to the primary operations of the district;
and
- 701 (C) operation of the facilities will not hinder or interfere with the primary operations of the district; and

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- 703 (ii)
- (A) use electricity generated by the facilities described in Subsection (4)(a)(i); or
- 705 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric utility or municipality with an existing system for distributing electricity.
- 708 (b) A district may not act as a retail distributor or seller of electricity.
- 709 (c) Revenue that a district receives from the sale of electricity from electrical generation facilities [it] the district owns or operates under this section may be used for any lawful district purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or constructing the facilities.
- 713 (5) A special district may adopt and, after adoption, alter a corporate seal.
- 714 (6)
- (a) Each special district shall register and maintain the special district's registration as a limited purpose entity, in accordance with Section 67-1a-15.
- 716 (b) A special district that fails to comply with Subsection (6)(a) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 718 (7)
- (a) As used in this Subsection (7), "knife" means a cutting instrument that includes a sharpened or pointed blade.
- 720 (b) The authority to regulate a knife is reserved to the state except where the Legislature specifically delegates responsibility to a special district.
- 722 (c) Unless specifically authorized by the Legislature by statute, a special district may not adopt or enforce a regulation or rule pertaining to a knife.
- 724 (8) A special district that disposes of or conveys real property shall comply with Title 11, Chapter 1, Part 2, Disposal of Public Property.
- 754 Section 16. Section **17C-1-202** is amended to read:
- 755 **17C-1-202. Agency powers.**
- 728 (1) An agency may:
- 729 (a) sue and be sued;
- 730 (b) enter into contracts generally;
- 731 (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real or personal property;

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- 733 (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal property,
subject to the requirements of Title 11, Chapter 1, Part 2, Disposal of Public Property;
- 736 (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may include the
use of agency funds or the collection of revenue;
- 738 (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 739 (g) provide for project area development as provided in this title;
- 740 (h) receive and use agency funds as provided in this title;
- 741 (i) if disposing of or leasing land, retain controls or establish restrictions and covenants running with the
land consistent with the project area plan;
- 743 (j) accept financial or other assistance from any public or private source for the agency's activities,
powers, and duties, and expend any funds the agency receives for any purpose described in this title;
- 746 (k) borrow money or accept financial or other assistance from a public entity or any other source for
any of the purposes of this title and comply with any conditions of any loan or assistance;
- 749 (l) issue bonds to finance the undertaking of any project area development or for any of the agency's
other purposes, including:
- 751 (i) reimbursing an advance made by the agency or by a public entity to the agency;
- 752 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
- 753 (iii) refunding bonds to pay or retire bonds previously issued by the community that created the agency
for expenses associated with project area development;
- 755 (m) pay an impact fee, exaction, or other fee imposed by a community in connection with land
development;
- 757 (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
- 758 (o) transact other business and exercise all other powers described in this title.
- 759 (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a public
purpose.
- 761 (3) An agency may acquire real property under Subsection (1)(c) that is outside a project area only if
the board determines that the property will benefit a project area.
- 763 (4) An agency is not subject to Section 10-8-2, governing municipal appropriations and the acquisition
and disposal of municipal property, or Section 17-78-103, governing the acquisition, management,
and disposal of county property.
- 766 (5)

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- (a) An agency may, subject to Subsection (5)(c), enter into a participation agreement with a person to govern the development the person will undertake within a project area.
- 769 (b) A participation agreement under Subsection (5)(a) shall include a description of:
- 770 (i) the project area development that the person will undertake;
- 771 (ii) the amount of project area funds the agency agrees to pay to the person to facilitate the development; and
- 773 (iii) the terms and conditions under which the agency agrees to pay project area funds to the person.
- 775 (c)
- (i) A participation agreement under Subsection (5)(a) is subject to board approval by resolution of the board.
- 777 (ii) A resolution under Subsection (5)(c)(i) shall include a finding by the board describing how the project area development described in the participation agreement will contribute to achieving the goals, policies, and purposes of the project area plan.
- 781 (d)
- (i) Beginning on May 7, 2025, any participation agreement under this Subsection (5) shall include a provision authorizing the agency, directly or through the county in which the agency operates, to use funding that would otherwise be provided to the participant to pay a participant's delinquent property tax or privilege tax or resolve a political subdivision lien against the participant, as described in Subsection 17C-1-409(6).
- 787 (ii) An agency that has entered into a participation agreement before May 7, 2025, shall, as soon as reasonably practical, enter into an amendment to the participation agreement with a participant to include a provision authorizing the agency to use funding that would otherwise be provided to the participant to pay a participant's delinquent property tax or privilege tax or resolve a political subdivision lien against the participant, as described in Subsection 17C-1-409(6).
- 821 Section 17. Section **35A-8-407** is amended to read:
- 822 **35A-8-407. Powers of housing authority.**
- 795 (1) An authority has perpetual succession and all the powers necessary to carry out the purposes of this part.
- 797 (2) An authority may:
- 798 (a) sue and be sued;
- 799 (b) have a seal and alter [†] the seal;

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- 800 (c) make and execute contracts and other instruments necessary to the exercise of its powers;
- 802 (d) make, amend, and repeal bylaws and rules;
- 803 (e) within its area of operation, prepare, carry out, and operate projects and provide for the acquisition, construction, reconstruction, rehabilitation, improvement, extension, alteration or repair of any project;
- 806 (f) undertake and carry out studies and analyses of housing needs within its area of operation and ways of meeting those needs, including data with respect to population and family groups and its distribution according to income groups, the amount and quality of available housing, including accessible housing, and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and meeting these needs;
- 812 (g)
- (i) make the results of studies and analyses available to the public and the building, housing, and supply industries; and
- 814 (ii) engage in research and disseminate information on housing programs;
- 815 (h) utilize, contract with, act through, assist, and cooperate or deal with any person, agency, institution, or organization, public or private, for the provision of services, privileges, works, or facilities, or in connection with its projects;
- 818 (i) notwithstanding anything to the contrary contained in this part or in any other provision of law:
- 820 (i) agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards in the development or administration of projects;
- 824 (ii) include in any contract awarded or entered into in connection with a project stipulations requiring that the contractor and all subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor; and
- 827 (iii) comply with any conditions attached to the financial aid of the project;
- 828 (j) lease, rent, sell, or lease with the option to purchase any dwellings, lands, buildings, structures, or facilities embraced in a project;
- 830 (k) subject to the limitations contained in this part with respect to the rental or charges for dwellings in housing projects, establish and revise the rents or charges for the dwellings;
- 833 (l) own, hold, and improve real or personal property;
- 834

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- (m) purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest in it;
- 836 (n) sell, lease, exchange, transfer, assign, pledge, or dispose of real or personal property or any interest in it;
- 838 (o) make loans for the provision of housing for occupancy by persons of medium and low income;
- 840 (p) make loans or grants for the development and construction of accessible housing;
- 841 (q) insure or provide for the insurance, in stock or mutual companies, of real or personal property or operations of the authority against any risks or hazards;
- 843 (r) procure or agree to the procurement of government insurance or guarantees of the payment of any bonds, in whole or in part, issued by the authority, including the power to pay premiums on the insurance;
- 846 (s) invest money held in reserves, sinking funds, or any funds not required for immediate disbursement in property or securities in which savings banks may legally invest money subject to their control;
- 849 (t) redeem its bonds at the redemption price established or purchase its bonds at less than redemption price, with all bonds that are redeemed or purchased to be canceled;
- 851 (u) within its area of operation, determine where blighted areas exist or where there is unsafe, insanitary, or overcrowded housing;
- 853 (v) make studies and recommendations relating to the problem of clearing, replanning, and reconstructing blighted areas, and the problem of eliminating unsafe, insanitary, or overcrowded housing and providing dwelling accommodations and maintaining a wholesome living environment for persons of medium and low income, and cooperate with any public body or the private sector in action taken in connection with those problems;
- 859 (w) acting through one or more commissioners or other persons designated by the authority, conduct examinations and investigations and hear testimony and take proof under oath at public or private hearings on any matter material for its information;
- 862 (x) administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers, and issue commissions for the examination of witnesses outside the state who are unable to appear before the authority or are excused from attendance;
- 866 (y) make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building

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or property where conditions exist that are dangerous to the public health, morals, safety, or welfare;
and

871 (z) exercise all or any part or combination of the powers granted under this part.

872 (3)

(a) If there are two or more housing authorities established within a county of the first or second class, then those housing authorities shall create a uniform online application for the housing choice voucher program with links to each of the housing authorities within the county.

876 (b) As used in Subsection (3)(a), "housing choice voucher program" means the federal government's housing assistance program administered by a housing authority, which enables low-income families, the elderly, and the disabled to secure decent, safe, and sanitary housing in the private market.

880 (4)

(a) No provision of law with respect to the acquisition, operation, or disposition of property by other public bodies is applicable to an authority unless the Legislature specifically states that it is.

883 (b) An authority, other than a housing authority described in Section 35A-8-403, shall comply with the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property.

913 Section 18. Section **53G-4-902** is amended to read:

914 **53G-4-902. Purchase of surplus property.**

887 (1) An eligible entity may purchase, and each school district shall sell, surplus property as provided in this section.

889 (2)

(a) Upon declaring land to be surplus property, each school district shall give written notice to each eligible entity in which the surplus property is located.

891 (b) Each notice under Subsection (2)(a) shall:

892 (i) state that the school district has declared the land to be surplus property; and

893 (ii) describe the surplus property.

894 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by paying the school district the purchase price.

896 (4)

(a) The legislative body of each eligible entity desiring to purchase surplus property under this section shall:

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- 898 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt a resolution
declaring the intent to purchase the surplus property and deliver a copy of the resolution to the
school district; and
- 901 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i) to the school
district, deliver to the school district an earnest money offer to purchase the surplus property at
the purchase price.
- 904 (b) If an eligible entity fails to comply with either of the requirements under Subsection (4)(a) within
the applicable time period, the eligible entity forfeits the right to purchase the surplus property.
- 907 (5)
- (a) An eligible entity may waive the eligible entity's right to purchase surplus property under this part
by submitting a written waiver to the school district.
- 909 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has no further
obligation under this part to sell the surplus property to the eligible entity.
- 911 (6) Surplus property acquired by an eligible entity may not be used for any purpose other than:
- 913 (a) a county, city, or town hall;
- 914 (b) a park or other open space;
- 915 (c) a cultural center or community center;
- 916 (d) a facility for the promotion, creation, or retention of public or private jobs within the state through
planning, design, development, construction, rehabilitation, business relocation, or any combination
of these, within a county, city, or town;
- 919 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public or private
facilities, or other improvements that benefit the state or a county, city, or town;
- 922 (f) a facility for a charter school under Chapter 5, Charter Schools; or
- 923 (g) the sale, use, or lease for moderate income housing, as defined in Section 63L-12-101.
- 924 (7) If no eligible entity { ~~purchases, or enters into an agreement with~~ } ~~delivers a copy of a resolution~~
~~to~~ the school district { ~~to purchase, the surplus property~~ } ~~as described in Subsection (4)(a)(i)~~ within
{ ~~one year~~ } 90 days of the day on which the school district notifies eligible entities under Subsection
(2), the school district may sell surplus property in accordance with Title 11, Chapter 1, Part 2,
Disposal of Public Property.
- 928 [(7)] (8)

HB0535S01 compared with HB0535S04

(a) A school district that sells surplus property under this part may use proceeds from the sale only for bond debt reduction or school district capital facilities.

930 (b) Each school district that sells surplus property under this part shall place all proceeds from the sale that are not used for bond debt reduction in a capital facilities fund of the school district for use for school district capital facilities.

961 Section 19. **Repealer.**

This Bill Repeals:

962 This bill repeals:

963 Section **11-1-3, False certificate -- Class A misdemeanor.**

964 Section **11-1-6, Violation of act a misdemeanor.**

965 Section 20. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

3-3-26 4:12 PM