

**R. Neil Walter** proposes the following substitute bill:

**Disposition of Public Property Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: R. Neil Walter**

Senate Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill deals with the disposition of certain publicly owned property.

**Highlighted Provisions:**

This bill:

- defines terms and modifies definitions;
- provides a process for a local governmental entity to dispose of public property;
- requires a local governmental entity to determine if public property constitutes a significant parcel;
- requires the governing body of a local governmental entity to approve the disposal of a significant parcel in a public meeting;
- provides that a local governmental entity shall comply with statutory provisions specific to the type of local governmental entity in addition to the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property, when disposing of public property;
- 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 a certain time period;
- repeals a criminal penalty; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-8-2**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

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

40 ENACTS:

41 **11-1-201**, Utah Code Annotated 1953  
 42 **11-1-202**, Utah Code Annotated 1953  
 43 **11-1-203**, Utah Code Annotated 1953  
 44 **11-1-204**, Utah Code Annotated 1953  
 45 **11-1-205**, Utah Code Annotated 1953

46 RENUMBERS AND AMENDS:

47 **11-1-101**, (Renumbered from 11-1-1, as last amended by Laws of Utah 2024, Chapter  
 48 365)  
 49 **11-1-102**, (Renumbered from 11-1-2, as last amended by Laws of Utah 1993, Chapter  
 50 227)  
 51 **11-1-103**, (Renumbered from 11-1-4, as last amended by Laws of Utah 1992, Chapter  
 52 285)  
 53 **11-1-104**, (Renumbered from 11-1-5, Utah Code Annotated 1953)

54 REPEALS:

55 **11-1-3**, as last amended by Laws of Utah 1986, Chapter 178  
 56 **11-1-6**, as last amended by Laws of Utah 2018, Chapter 148

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

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

60 **10-8-2 . Appropriations -- Acquisition and disposal of property -- Municipal**  
 61 **authority -- 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,
- 66 and dispose of real and personal property for the benefit of the municipality,
- 67 whether the property is within or without the municipality's corporate boundaries,
- 68 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
- 70 individual could do; and
- 71 (v) subject to Subsection (2) and after first holding a public hearing, authorize
- 72 municipal services or other nonmonetary assistance to be provided to or waive
- 73 fees required to be paid by a nonprofit entity, regardless of whether ~~[or not]~~ the
- 74 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
- 78 located and operating within and operated by the municipality; and
- 79 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
- 80 located inside or outside the corporate limits of the municipality and necessary for
- 81 any of the purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions
- 82 imposed by Title 78B, Chapter 6, Part 5, Eminent Domain, and general law for the
- 83 protection of other communities.
- 84 (c) Each municipality that intends to acquire property by eminent domain under
- 85 Subsection (1)(b) shall comply with the requirements of Section 78B-6-505.
- 86 (d) Subsection (1)(b) may not be construed to diminish any other authority a
- 87 municipality may claim to have under the law to acquire by eminent domain property
- 88 located inside or outside the municipality.
- 89 (2)(a) Services or assistance provided in accordance with Subsection (1)(a)(v) is not
- 90 subject to the provisions of Subsection (3).
- 91 (b) The total amount of services or other nonmonetary assistance provided or fees
- 92 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
- 93 municipality's budget for that fiscal year.
- 94 (3) It is considered a corporate purpose to appropriate money for any purpose that, in the
- 95 judgment of the municipal legislative body, provides for the safety, health, prosperity,
- 96 moral well-being, peace, order, comfort, or convenience of the inhabitants of the

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

- 131                   impediment, job preservation, the preservation of historic structures and  
 132                   property, and any other public purpose.
- 133           (f)(i) An appeal may be taken from a final decision of the municipal legislative body,  
 134           to make an appropriation.
- 135           (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district  
 136           court within 30 days after the day on which the municipal legislative body makes  
 137           a decision.
- 138           (iii) Any appeal shall be based on the record of the proceedings before the legislative  
 139           body.
- 140           (iv) A decision of the municipal legislative body shall be presumed to be valid unless  
 141           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  
 143           May 6, 2002.
- 144           (h) This section applies only to appropriations not otherwise approved in accordance  
 145           with Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10,  
 146           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  
 148           lease real property, or enter into a joint venture regarding real property, that includes  
 149           information about the terms of the purchase or sale, including price and proposed  
 150           time frame for closing.
- 151           (b) Before a municipality may dispose of a significant parcel of real property, the  
 152           municipality shall:
- 153           (i) comply with the publication requirements of Section 11-1-203 before selecting or  
 154           making a proposed disposition;
- 155           (ii) provide notice of the proposed disposition for the municipality, as a class A  
 156           notice under Section 63G-30-102, for at least 14 days before the opportunity for  
 157           public comment under Subsection [~~(4)(a)(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  
 160           parcel of real 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  
 162           significant parcel, the municipality shall comply with the requirements of Subsection  
 163           11-1-203(2).
- 164           (5)(a) Except as provided in Subsection (5)(d), each municipality intending to acquire

165 real property for the purpose of expanding the municipality's infrastructure or other  
 166 facilities used for providing services that the municipality offers or intends to offer  
 167 shall provide written notice, as provided in this Subsection (5), of its intent to acquire  
 168 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  
 174 whose unincorporated area or the municipality in whose boundaries the  
 175 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  
 182 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  
 185 63G-2-305(8).

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

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

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

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

197 **Part 1. Bonds and Warrants**

198 **[~~11-1-1~~ 11-1-101 . Auditor's certificate to show obligation within debt limit.**

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

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

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

208 **[~~11-1-2~~ 11-1-102 . Auditors may rely on certain facts.**

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

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

219 **[~~11-1-4~~ 11-1-103 . Sinking fund -- Investment.**

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

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

225 **[~~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  
227 state is authorized to issue and sell its bonds, they may be issued in serial form or in  
228 the form of term bonds and made payable in such manner and at such times, within  
229 legal limits, as such county, municipality, school district or taxing unit may  
230 determine.

231 (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 be made

233 payable at such a bank or trust company or at the office of the treasurer of the issuer, at the  
 234 option of the holder; provided, such alternative places of payment are designated in the bonds  
 235 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 sell, convey, donate, or otherwise permanently change the  
 250 ownership of real property.

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

253 (2) "Governing body" means:

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

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

256 (c) for a special district, special service district, local building authority, conservation  
 257 district, or public infrastructure district, the board of trustees;

258 (d) for a housing authority, the board of commissioners; and

259 (e) for a school district, the school board.

260 (3) "Local governmental entity" means:

261 (a) a municipality;

262 (b) a county;

263 (c) an agency, as that term is defined in Section 17C-1-102;

264 (d) a special district created under Title 17B, Limited Purpose Local Government  
 265 Entities - Special Districts;

266 (e) a special service district, local building authority, or conservation district created

268 under Title 17D, Limited Purpose Local Government Entities - Other Entities;  
 269 (f) a housing authority, other than a housing authority described in Section 35A-8-403;  
 270 and  
 271 (g) a school district.

272 (4) "Public property" means real property owned by a local governmental entity.

273 (5) "Real estate offering website" means any publicly accessible website that describes real  
 274 property that is for sale.

275 Section 7. Section **11-1-202** is enacted to read:

276 **11-1-202 . Determination of a significant parcel.**

277 (1) Before disposing of public property, a local governmental entity shall:

278 (a) determine if the public property constitutes a significant parcel; and

279 (b) comply with:

280 (i) any statutory requirements specific to the local governmental entity and the local  
 281 governmental entity's public property; and

282 (ii) the applicable requirements of this part.

283 (2) In making a determination on whether public property constitutes a significant parcel:

284 (a) a municipality shall apply the municipality's ordinance described in Subsection  
 285 10-8-2(4);

286 (b) a county shall apply the county's ordinance described in Subsection 17-78-103(4);  
 287 and

288 (c) if a local governmental entity not described in Subsection (2)(a) or (b) has an  
 289 ordinance or resolution defining "significant parcel," the local governmental entity  
 290 shall apply that definition, if the definition is reasonably similar to the definition in  
 291 Subsection (3).

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

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

296 **11-1-203 . Publication requirements -- Political subdivisions retain discretion.**

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

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

- 302           (b) post a physical sign on the public property indicating that:  
303                 (i) the public property is for sale; and  
304                 (ii) offers on the public property may be made to the local governmental entity; and  
305           (c) announce the local governmental entity's intent to dispose of the public property  
306                 during a public meeting.
- 307   (2) A local governmental entity may offer the public property for sale on one or more real  
308         estate offering websites.
- 309   (3) Before disposing of public property that the local governmental entity has not classified  
310         as a significant parcel, a local governmental entity shall post a physical sign on the  
311         public property indicating that:  
312                 (a) the public property is for sale; and  
313                 (b) offers on the public property may be made to the local governmental entity.
- 314   (4) Nothing in this part diminishes a local governmental entity's discretion to determine the  
315         terms and conditions of the final disposition of public property in accordance with the  
316         local governmental entity's relevant adopted ordinances or policies and other applicable  
317         law.
- 318         Section 9. Section **11-1-204** is enacted to read:  
319                 **11-1-204 . Public meeting to approve disposal.**
- 320   (1)(a) For a significant parcel, the local governmental entity may approve disposal after:  
321                 (i) complying with any statutory provisions outside this part that govern the local  
322                 governmental entity and the local governmental entity's public property; and  
323                 (ii) except as provided in Subsection (2), the governing body approves the disposal  
324                 by majority vote in a public meeting.
- 325   (b) In a public meeting described in Subsection (1)(a)(ii), the governing body shall  
326         disclose the details of the proposed offer, including:  
327                 (i) if a sale, the proposed purchaser and proposed price; and  
328                 (ii) if a lease or a joint venture, the terms of the offer and the proposed conveyee.
- 329   (2) If a local governmental entity has an ordinance governing the disposal of real property  
330         that does not require action from the governing body or a public meeting, the local  
331         governmental entity may comply with the local governmental entity's ordinance if:  
332                 (a) the local governmental entity has complied with the requirements of Section 11-1-203;  
333                 and  
334                 (b) the ordinance provides a method by which the public is informed of the local  
335                 governmental entity's action, either before the action takes place or in a reasonable

336 time after the action takes place.

337 Section 10. Section **11-1-205** is enacted to read:

338 **11-1-205 . Exceptions.**

339 (1) The requirements of this part do not apply to:

- 340 (a) a school district selling surplus property to an eligible entity, or to a county or  
341 municipality reselling surplus property to a school district, in accordance with Title  
342 53G, Chapter 4, Part 9, Surplus School District Land;  
343 (b) a local governmental entity offering public property back to the party the local  
344 governmental entity received the public property from, if required to do so by another  
345 provision of law; or  
346 (c) a local governmental entity conveying public property to another local governmental  
347 entity.

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

- 350 (i) both parties to the exchange are political subdivisions, both political subdivisions  
351 make a finding that the exchanged parcels are of reasonably equivalent value; or  
352 (ii) only one party to the exchange is a political subdivision, the political subdivision  
353 makes a finding that the political subdivision's public property has roughly the  
354 same fair market value as the real property the political subdivision will receive in  
355 the exchange.  
356 (b) For purposes of Subsection (2)(a), if one parcel of real property has an estimated fair  
357 market value that is within 10% above or below the estimated fair market value of  
358 another parcel of real property, the parcels are presumptively of reasonably  
359 equivalent value.

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

361 **11-13-227 . Transportation reinvestment zones.**

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

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

- 367 (a) define the transportation infrastructure need and proposed improvement;  
368 (b) define the boundaries of the zone;  
369 (c) establish terms for sharing sales tax revenue among the members of the agreement;

370 (d) establish a base year to calculate the increase of property tax revenue within the zone;  
371 (e) establish terms for sharing any increase in property tax revenue within the zone; and  
372 (f) before an agreement is approved as required in Section 11-13-202.5, hold a public  
373 hearing regarding the details of the proposed transportation reinvestment zone.

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

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

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

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

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

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

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

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

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

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

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

394 **17-60-202 . Counties authorized to levy and collect taxes, sue and be sued, and**  
395 **acquire property.**

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

397 (i) as prescribed by statute:

398 (A) levy a tax;

399 (B) perform an assessment;

400 (C) collect a tax;

401 (D) borrow money; or

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

403 (ii) provide a service, exercise a power, or perform a function that is reasonably

- 404 related to the safety, health, morals, and welfare of county inhabitants.
- 405 (b) A county or a governmental instrumentality of a county may not perform an action  
406 described in Subsection (1)(a)(i) or provide a service, exercise a power, or perform a  
407 function described in Subsection (1)(a)(ii) in another county or a municipality within  
408 the other county without first entering into an agreement under Title 11, Chapter 13,  
409 Interlocal Cooperation Act, or other contract with the other county to perform the  
410 action, provide the service, exercise the power, or perform the function.
- 411 (2) A county may:
- 412 (a) sue and be sued;
- 413 (b)(i) subject to Subsection (4), acquire real property by tax sale, purchase, lease,  
414 contract, or gift; and
- 415 (ii) hold the real property acquired under Subsection (2)(b)(i) as necessary and  
416 proper for county purposes;
- 417 (c)(i) subject to Subsections (3)(a) and (b), acquire real property by condemnation, as  
418 provided in Title 78B, Chapter 6, Part 5, Eminent Domain; and
- 419 (ii) hold the real property acquired under Subsection (2)(c)(i) as necessary and proper  
420 for county purposes;
- 421 (d) as may be necessary to the exercise of its powers, acquire personal property by  
422 purchase, lease, contract, or gift, and hold such personal property; and
- 423 (e) manage and dispose of its property as the interests of its inhabitants may require.
- 424 (3)(a) For purposes of Subsection (2)(c), water rights that are not appurtenant to land do  
425 not constitute real property that may be acquired by the county through  
426 condemnation.
- 427 (b) Nothing in Subsection (2)(c) may be construed to authorize a county to acquire by  
428 condemnation the rights to water unless the land to which those water rights are  
429 appurtenant is acquired by condemnation.
- 430 (4) Except as provided in Subsection (6) and subject to Section 17-78-103, each county  
431 intending to acquire real property for the purpose of expanding the county's  
432 infrastructure or other facilities used for providing services that the county offers or  
433 intends to offer shall provide written notice of the county's intent to acquire the property  
434 if:
- 435 (a) the property is located:
- 436 (i) outside the boundaries of the unincorporated area of the county; and  
437 (ii) in a county of the first or second class; and

- 438 (b) the intended use of the property is contrary to:
- 439 (i) the anticipated use of the property under the general plan of the county in whose
- 440 unincorporated area or the municipality in whose boundaries the property is
- 441 located; or
- 442 (ii) the property's current zoning designation.
- 443 (5)(a) Each notice under Subsection (4) shall:
- 444 (i) indicate that the county intends to acquire real property;
- 445 (ii) identify the real property; and
- 446 (iii) be sent to:
- 447 (A) each county in whose unincorporated area and each municipality in whose
- 448 boundaries the property is located; and
- 449 (B) each affected entity.
- 450 (b) A notice under Subsection (4) is a protected record as provided in Subsection
- 451 63G-2-305(8).
- 452 (6) The notice requirement of Subsection (4) does not apply if the county previously
- 453 provided notice under Section 17-79-203 identifying the general location within the
- 454 municipality or unincorporated part of the county where the property to be acquired is
- 455 located.
- 456 (7) If a county is not required to comply with the notice requirement of Subsection (4)
- 457 because of application of Subsection (6), the county shall provide the notice specified in
- 458 Subsection (4) as soon as practicable after the county's acquisition of the real property.
- 459 Section 13. Section **17-78-103** is amended to read:
- 460 **17-78-103 . Acquisition, management, and disposal of property.**
- 461 (1) [~~Subject to Subsection (4), a~~] A county may purchase, receive, hold, sell, lease, convey,
- 462 or otherwise acquire and dispose of any real or personal property or any interest in [~~such~~]
- 463 real or personal property if the action:
- 464 (a) is in the public interest; and
- 465 (b) complies with:
- 466 (i) this section; and
- 467 (ii) other law, including, as applicable, Title 11, Chapter 1, Part 2, Disposal of Public
- 468 Property.
- 469 (2) Any property interest acquired by the county shall be held in the name of the county
- 470 unless specifically otherwise provided by law.
- 471 (3) The county legislative body shall provide by ordinance, resolution, rule, or regulation

- 472 for the manner in which property shall be acquired, managed, and disposed of.
- 473 (4)(a) Before a county may dispose of a significant parcel of real property, the county  
474 shall:
- 475 (i) provide reasonable notice of the proposed disposition at least 14 days before the  
476 opportunity for public comment under Subsection (4)(a)(ii); and
- 477 (ii) allow an opportunity for public comment on the proposed disposition.
- 478 (b) Each county shall, by ordinance, define what constitutes:
- 479 (i) a significant parcel of real property for purposes of Subsection (4)(a); and  
480 (ii) reasonable notice for purposes of Subsection (4)(a)(i).
- 481 (5)(a) A county may dispose of a significant parcel of real property in exchange for less  
482 than the present fair market value of the significant parcel of real property if the  
483 adjusted present value of the significant parcel of real property is equal to or greater  
484 than the present fair market value of the significant parcel of real property.
- 485 (b) Subsection (5)(a) does not affect a county's authority to dispose of a significant  
486 parcel of real property in a manner different from Subsection (5)(a) and in  
487 accordance with applicable law.
- 488 (6) Before a county agrees to dispose of a significant parcel of real property, the county  
489 may require the potential purchaser or lessee to provide evidence that:
- 490 (a) the potential purchaser's or lessee's offer is bona fide;  
491 (b) the potential purchaser or lessee has the ability to pay the disposition price; or  
492 (c) any future benefits to the county from the disposal of the significant parcel of real  
493 property are reasonably anticipated.
- 494 (7) If a county receives an unsolicited offer to purchase or lease a significant parcel of real  
495 property:
- 496 (a) the county is not required to consider the offer; and  
497 (b) a person may not consider the offer in determining the present fair market value of  
498 the significant parcel of real property, unless considering the offer is warranted under  
499 generally accepted standards of professional appraisal practice.
- 500 (8) A county may presume that the present fair market value of a significant parcel of real  
501 property is equal to the average of two appraised values each of which is based upon fair  
502 market value and calculated by a unique, independent appraiser who is licensed or  
503 certified in accordance with Title 61, Chapter 2g, Real Estate Appraiser Licensing and  
504 Certification Act.
- 505 Section 14. Section **17-79-812** is amended to read:

506           **17-79-812 . Exactions -- Exaction for water interest -- Requirement to offer to**  
507 **original owner property acquired by exaction.**

508 (1) A county may impose an exaction or exactions on development proposed in a land use  
509 application, including, subject to Subsection (3), an exaction for a water interest, if:  
510 (a) an essential link exists between a legitimate governmental interest and each exaction;  
511 and  
512 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the  
513 proposed development.

514 (2) If a land use authority imposes an exaction for another governmental entity:  
515 (a) the governmental entity shall request the exaction; and  
516 (b) the land use authority shall transfer the exaction to the governmental entity for which  
517 it was exacted.

518 (3)(a)(i) Subject to the requirements of this Subsection (3), a county or, if applicable,  
519 the county's culinary water authority shall base any exaction for a water interest  
520 on the culinary water authority's established calculations of projected water  
521 interest requirements.

522 (ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base  
523 an exaction for a culinary water interest on:

524 (A) consideration of the system-wide minimum sizing standards established for  
525 the culinary water authority by the Division of Drinking Water in accordance  
526 with Section 19-4-114; and

527 (B) the number of equivalent residential connections associated with the culinary  
528 water demand for each specific development proposed in the development's  
529 land use application, applying lower exactions for developments with lower  
530 equivalent residential connections as demonstrated by at least five years of  
531 usage data for like land uses within the county.

532 (iii) A county or culinary water authority may impose an exaction for a culinary  
533 water interest that results in less water being exacted than would otherwise be  
534 exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the  
535 county's or culinary water authority's sole discretion, determines there is good  
536 cause to do so.

537 (iv) A county shall make public the methodology used to comply with Subsection  
538 (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an  
539 exaction calculation used by the county or the county's culinary water authority

- 540 under Subsection (3)(a)(ii). A land use applicant may present data and other  
541 information that illustrates a need for an exaction recalculation and the county's  
542 governing body shall respond with due process.
- 543 (v) Upon an applicant's request, the culinary water authority shall provide the  
544 applicant with the basis for the culinary water authority's calculations under  
545 Subsection (3)(a)(i) on which an exaction for a water interest is based.
- 546 (b) A county or the county's culinary water authority may not impose an exaction for a  
547 water interest if the culinary water authority's existing available water interests  
548 exceed the water interests needed to meet the reasonable future water requirement of  
549 the public, as determined under Subsection 73-1-4(2)(f).
- 550 (4)(a) If a county plans to dispose of surplus real property under Section 17-78-103 that  
551 was acquired under this section and has been owned by the county for less than 15  
552 years, the county shall first offer to reconvey the property, without receiving  
553 additional consideration, to the person who granted the property to the county.
- 554 (b) A person to whom a county offers to reconvey property under Subsection (4)(a) has  
555 90 days to accept or reject the county's offer.
- 556 (c) If a person to whom a county offers to reconvey property declines the offer, the  
557 county may offer the property for sale in accordance with the requirements of Title  
558 11, Chapter 1, Part 2, Disposal of Public Property.
- 559 (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by  
560 a community development or urban renewal agency.
- 561 (5)(a) A county may not, as part of an infrastructure improvement, require the  
562 installation of pavement on a residential roadway at a width in excess of 32 feet.
- 563 (b) Subsection (5)(a) does not apply if a county requires the installation of pavement in  
564 excess of 32 feet:
- 565 (i) in a vehicle turnaround area;
- 566 (ii) in a cul-de-sac;
- 567 (iii) to address specific traffic flow constraints at an intersection, mid-block  
568 crossings, or other areas;
- 569 (iv) to address an applicable general or master plan improvement, including  
570 transportation, bicycle lanes, trails, or other similar improvements that are not  
571 included within an impact fee area;
- 572 (v) to address traffic flow constraints for service to or abutting higher density  
573 developments or uses that generate higher traffic volumes, including community

- 574 centers, schools, and other similar uses;
- 575 (vi) as needed for the installation or location of a utility which is maintained by the  
576 county and is considered a transmission line or requires additional roadway width;
- 577 (vii) for third-party utility lines that have an easement preventing the installation of  
578 utilities maintained by the county within the roadway;
- 579 (viii) for utilities over 12 feet in depth;
- 580 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 581 (x) as needed for flood and stormwater routing;
- 582 (xi) as needed to meet fire code requirements for parking and hydrants; or
- 583 (xii) as needed to accommodate street parking.
- 584 (c) Nothing in this section shall be construed to prevent a county from approving a road  
585 cross section with a pavement width less than 32 feet.
- 586 (d)(i) A land use applicant may appeal a municipal requirement for pavement in  
587 excess of 32 feet on a residential roadway.
- 588 (ii) A land use applicant that has appealed a municipal specification for a residential  
589 roadway pavement width in excess of 32 feet may request that the county  
590 assemble a panel of qualified experts to serve as the appeal authority for purposes  
591 of determining the technical aspects of the appeal.
- 592 (iii) Unless otherwise agreed by the applicant and the county, the panel described in  
593 Subsection (5)(d)(ii) shall consist of the following three experts:
- 594 (A) one licensed engineer, designated by the county;
- 595 (B) one licensed engineer, designated by the land use applicant; and
- 596 (C) one licensed engineer, agreed upon and designated by the two designated  
597 engineers under Subsections (5)(d)(iii)(A) and (B).
- 598 (iv) A member of the panel assembled by the county under Subsection (5)(d)(ii) may  
599 not have an interest in the application that is the subject of the appeal.
- 600 (v) The land use applicant shall pay:
- 601 (A) 50% of the cost of the panel; and
- 602 (B) the county's published appeal fee.
- 603 (vi) The decision of the panel is a final decision, subject to a petition for review under  
604 Subsection (5)(d)(vii).
- 605 (vii) In accordance with Section 17-79-1009, a land use applicant or the county may  
606 file a petition for review of the decision with the district court within 30 days after  
607 the date that the decision is final.

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

609 **17B-1-103 . Special district status and powers -- Registration as a limited**  
610 **purpose entity.**

611 (1) A special district:

612 (a) is:

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

614 (ii) a quasi-municipal corporation;

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

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

618 (b) may sue and be sued.

619 (2) A special district may:

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

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

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

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

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

630 (f) issue bonds, including refunding bonds:

631 (i) for any lawful district purpose; and

632 (ii) as provided in and subject to Part 11, Special District Bonds;

633 (g) levy and collect property taxes:

634 (i) for any lawful district purpose or expenditure, including to cover a deficit  
635 resulting from tax delinquencies in a preceding year; and

636 (ii) as provided in and subject to Part 10, Special District Property Tax Levy;

637 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent  
638 domain property necessary to the exercise of the district's powers;

639 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;

640 (j)(i) impose fees or other charges for commodities, services, or facilities provided by  
641 the district, to pay some or all of the district's costs of providing the commodities,

- 642 services, and facilities, including the costs of:
- 643 (A) maintaining and operating the district;
  - 644 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
  - 645 (C) issuing bonds and paying debt service on district bonds; and
  - 646 (D) providing a reserve established by the board of trustees; and
- 647 (ii) take action the board of trustees considers appropriate and adopt regulations to
- 648 assure the collection of all fees and charges that the district imposes;
- 649 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
- 650 property to district facilities in order for the district to provide service to the property;
- 651 (l) enter into a contract that the special district board of trustees considers necessary,
- 652 convenient, or desirable to carry out the district's purposes, including a contract:
- 653 (i) with the United States or any department or agency of the United States;
  - 654 (ii) to indemnify and save harmless; or
  - 655 (iii) to do any act to exercise district powers;
- 656 (m) purchase supplies, equipment, and materials;
- 657 (n) encumber district property upon terms and conditions that the board of trustees
- 658 considers appropriate;
- 659 (o) exercise other powers and perform other functions that are provided by law;
- 660 (p) construct and maintain works and establish and maintain facilities, including works
- 661 or facilities:
- 662 (i) across or along any public street or highway, subject to Subsection (3) and if the
  - 663 district:
    - 664 (A) promptly restores the street or highway, as much as practicable, to its former
    - 665 state of usefulness; and
    - 666 (B) does not use the street or highway in a manner that completely or
    - 667 unnecessarily impairs the usefulness of it;
  - 668 (ii) in, upon, or over any vacant public lands that are or become the property of the
  - 669 state, including school and institutional trust lands, as defined in Section
  - 670 53C-1-103, if the director of the School and Institutional Trust Lands
  - 671 Administration, acting under Sections 53C-1-102 and 53C-1-303, consents; or
  - 672 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 673 (q) perform any act or exercise any power reasonably necessary for the efficient
- 674 operation of the special district in carrying out its purposes;
- 675 (r)(i) except for a special district described in Subsection (2)(r)(ii), designate an

- 676 assessment area and levy an assessment on land within the assessment area, as  
677 provided in Title 11, Chapter 42, Assessment Area Act; or
- 678 (ii) for a special district created to assess a groundwater right in a critical  
679 management area described in Subsection 17B-1-202(1), designate an assessment  
680 area and levy an assessment, as provided in Title 11, Chapter 42, Assessment Area  
681 Act, on a groundwater right to facilitate a groundwater management plan;
- 682 (s) contract with another political subdivision of the state to allow the other political  
683 subdivision to use the district's surplus water or capacity or have an ownership  
684 interest in the district's works or facilities, upon the terms and for the consideration,  
685 whether monetary or nonmonetary consideration or no consideration, that the  
686 district's board of trustees considers to be in the best interests of the district and the  
687 public;
- 688 (t) upon the terms and for the consideration, whether monetary or nonmonetary  
689 consideration or no consideration, that the district's board of trustees considers to be  
690 in the best interests of the district and the public, agree:
- 691 (i)(A) with another political subdivision of the state; or  
692 (B) with a public or private owner of property on which the district has a  
693 right-of-way or adjacent to which the district owns fee title to property; and
- 694 (ii) to allow the use of property:  
695 (A) owned by the district; or  
696 (B) on which the district has a right-of-way; and
- 697 (u) if the special district receives, as determined by the special district board of trustees,  
698 adequate monetary or nonmonetary consideration in return:
- 699 (i) provide services or nonmonetary assistance to a nonprofit entity;  
700 (ii) waive fees required to be paid by a nonprofit entity; or  
701 (iii) provide monetary assistance to a nonprofit entity, whether from the special  
702 district's own funds or from funds the special district receives from the state or any  
703 other source.
- 704 (3) With respect to a special district's use of a street or highway, as provided in Subsection  
705 (2)(p)(i):
- 706 (a) the district shall comply with the reasonable rules and regulations of the  
707 governmental entity, whether state, county, or municipal, with jurisdiction over the  
708 street or highway, concerning:
- 709 (i) an excavation and the refilling of an excavation;

- 710 (ii) the relaying of pavement; and  
711 (iii) the protection of the public during a construction period; and  
712 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over  
713 the street or highway:  
714 (i) may not require the district to pay a license or permit fee or file a bond; and  
715 (ii) may require the district to pay a reasonable inspection fee.
- 716 (4)(a) A special district may:  
717 (i) acquire, lease, or construct and operate electrical generation, transmission, and  
718 distribution facilities, if:  
719 (A) the purpose of the facilities is to harness energy that results inherently from  
720 the district's operation of a project or facilities that the district is authorized to  
721 operate or from the district providing a service that the district is authorized to  
722 provide;  
723 (B) the generation of electricity from the facilities is incidental to the primary  
724 operations of the district; and  
725 (C) operation of the facilities will not hinder or interfere with the primary  
726 operations of the district; and  
727 (ii)(A) use electricity generated by the facilities described in Subsection (4)(a)(i);  
728 or  
729 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an  
730 electric utility or municipality with an existing system for distributing  
731 electricity.
- 732 (b) A district may not act as a retail distributor or seller of electricity.  
733 (c) Revenue that a district receives from the sale of electricity from electrical generation  
734 facilities [it] the district owns or operates under this section may be used for any  
735 lawful district purpose, including the payment of bonds issued to pay some or all of  
736 the cost of acquiring or constructing the facilities.
- 737 (5) A special district may adopt and, after adoption, alter a corporate seal.
- 738 (6)(a) Each special district shall register and maintain the special district's registration as  
739 a limited purpose entity, in accordance with Section 67-1a-15.  
740 (b) A special district that fails to comply with Subsection (6)(a) or Section 67-1a-15 is  
741 subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 742 (7)(a) As used in this Subsection (7), "knife" means a cutting instrument that includes a  
743 sharpened or pointed blade.

- 744 (b) The authority to regulate a knife is reserved to the state except where the Legislature  
745 specifically delegates responsibility to a special district.
- 746 (c) Unless specifically authorized by the Legislature by statute, a special district may not  
747 adopt or enforce a regulation or rule pertaining to a knife.
- 748 (8) A special district that disposes of or conveys real property shall comply with Title 11,  
749 Chapter 1, Part 2, Disposal of Public Property.
- 750 Section 16. Section **17C-1-202** is amended to read:  
751 **17C-1-202 . Agency powers.**
- 752 (1) An agency may:
- 753 (a) sue and be sued;
- 754 (b) enter into contracts generally;
- 755 (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real  
756 or personal property;
- 757 (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal  
758 property, subject to the requirements of Title 11, Chapter 1, Part 2, Disposal of Public  
759 Property;
- 760 (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may  
761 include the use of agency funds or the collection of revenue;
- 762 (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 763 (g) provide for project area development as provided in this title;
- 764 (h) receive and use agency funds as provided in this title;
- 765 (i) if disposing of or leasing land, retain controls or establish restrictions and covenants  
766 running with the land consistent with the project area plan;
- 767 (j) accept financial or other assistance from any public or private source for the agency's  
768 activities, powers, and duties, and expend any funds the agency receives for any  
769 purpose described in this title;
- 770 (k) borrow money or accept financial or other assistance from a public entity or any  
771 other source for any of the purposes of this title and comply with any conditions of  
772 any loan or assistance;
- 773 (l) issue bonds to finance the undertaking of any project area development or for any of  
774 the agency's other purposes, including:
- 775 (i) reimbursing an advance made by the agency or by a public entity to the agency;
- 776 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
- 777 (iii) refunding bonds to pay or retire bonds previously issued by the community that

- 778 created the agency for expenses associated with project area development;
- 779 (m) pay an impact fee, exaction, or other fee imposed by a community in connection  
780 with land development;
- 781 (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
- 782 (o) transact other business and exercise all other powers described in this title.
- 783 (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a  
784 public purpose.
- 785 (3) An agency may acquire real property under Subsection (1)(c) that is outside a project  
786 area only if the board determines that the property will benefit a project area.
- 787 (4) An agency is not subject to Section 10-8-2, governing municipal appropriations and the  
788 acquisition and disposal of municipal property, or Section 17-78-103, governing the  
789 acquisition, management, and disposal of county property.
- 790 (5)(a) An agency may, subject to Subsection (5)(c), enter into a participation agreement  
791 with a person to govern the development the person will undertake within a project  
792 area.
- 793 (b) A participation agreement under Subsection (5)(a) shall include a description of:  
794 (i) the project area development that the person will undertake;  
795 (ii) the amount of project area funds the agency agrees to pay to the person to  
796 facilitate the development; and  
797 (iii) the terms and conditions under which the agency agrees to pay project area funds  
798 to the person.
- 799 (c)(i) A participation agreement under Subsection (5)(a) is subject to board approval  
800 by resolution of the board.
- 801 (ii) A resolution under Subsection (5)(c)(i) shall include a finding by the board  
802 describing how the project area development described in the participation  
803 agreement will contribute to achieving the goals, policies, and purposes of the  
804 project area plan.
- 805 (d)(i) Beginning on May 7, 2025, any participation agreement under this Subsection  
806 (5) shall include a provision authorizing the agency, directly or through the county  
807 in which the agency operates, to use funding that would otherwise be provided to  
808 the participant to pay a participant's delinquent property tax or privilege tax or  
809 resolve a political subdivision lien against the participant, as described in  
810 Subsection 17C-1-409(6).
- 811 (ii) An agency that has entered into a participation agreement before May 7, 2025,

812 shall, as soon as reasonably practical, enter into an amendment to the participation  
813 agreement with a participant to include a provision authorizing the agency to use  
814 funding that would otherwise be provided to the participant to pay a participant's  
815 delinquent property tax or privilege tax or resolve a political subdivision lien  
816 against the participant, as described in Subsection 17C-1-409(6).

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

818 **35A-8-407 . Powers of housing authority.**

- 819 (1) An authority has perpetual succession and all the powers necessary to carry out the  
820 purposes of this part.
- 821 (2) An authority may:
- 822 (a) sue and be sued;
  - 823 (b) have a seal and alter [~~it~~] the seal;
  - 824 (c) make and execute contracts and other instruments necessary to the exercise of its  
825 powers;
  - 826 (d) make, amend, and repeal bylaws and rules;
  - 827 (e) within its area of operation, prepare, carry out, and operate projects and provide for  
828 the acquisition, construction, reconstruction, rehabilitation, improvement, extension,  
829 alteration or repair of any project;
  - 830 (f) undertake and carry out studies and analyses of housing needs within its area of  
831 operation and ways of meeting those needs, including data with respect to population  
832 and family groups and its distribution according to income groups, the amount and  
833 quality of available housing, including accessible housing, and its distribution  
834 according to rentals and sales prices, employment, wages and other factors affecting  
835 the local housing needs and meeting these needs;
  - 836 (g)(i) make the results of studies and analyses available to the public and the  
837 building, housing, and supply industries; and  
838 (ii) engage in research and disseminate information on housing programs;
  - 839 (h) utilize, contract with, act through, assist, and cooperate or deal with any person,  
840 agency, institution, or organization, public or private, for the provision of services,  
841 privileges, works, or facilities, or in connection with its projects;
  - 842 (i) notwithstanding anything to the contrary contained in this part or in any other  
843 provision of law:
    - 844 (i) agree to any conditions attached to federal financial assistance relating to the  
845 determination of prevailing salaries or wages or payment of not less than

- 846 prevailing salaries or wages or compliance with labor standards in the  
847 development or administration of projects;
- 848 (ii) include in any contract awarded or entered into in connection with a project  
849 stipulations requiring that the contractor and all subcontractors comply with  
850 requirements as to minimum salaries or wages and maximum hours of labor; and  
851 (iii) comply with any conditions attached to the financial aid of the project;
- 852 (j) lease, rent, sell, or lease with the option to purchase any dwellings, lands, buildings,  
853 structures, or facilities embraced in a project;
- 854 (k) subject to the limitations contained in this part with respect to the rental or charges  
855 for dwellings in housing projects, establish and revise the rents or charges for the  
856 dwellings;
- 857 (l) own, hold, and improve real or personal property;
- 858 (m) purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or  
859 otherwise any real or personal property or any interest in it;
- 860 (n) sell, lease, exchange, transfer, assign, pledge, or dispose of real or personal property  
861 or any interest in it;
- 862 (o) make loans for the provision of housing for occupancy by persons of medium and  
863 low income;
- 864 (p) make loans or grants for the development and construction of accessible housing;
- 865 (q) insure or provide for the insurance, in stock or mutual companies, of real or personal  
866 property or operations of the authority against any risks or hazards;
- 867 (r) procure or agree to the procurement of government insurance or guarantees of the  
868 payment of any bonds, in whole or in part, issued by the authority, including the  
869 power to pay premiums on the insurance;
- 870 (s) invest money held in reserves, sinking funds, or any funds not required for immediate  
871 disbursement in property or securities in which savings banks may legally invest  
872 money subject to their control;
- 873 (t) redeem its bonds at the redemption price established or purchase its bonds at less than  
874 redemption price, with all bonds that are redeemed or purchased to be canceled;
- 875 (u) within its area of operation, determine where blighted areas exist or where there is  
876 unsafe, insanitary, or overcrowded housing;
- 877 (v) make studies and recommendations relating to the problem of clearing, replanning,  
878 and reconstructing blighted areas, and the problem of eliminating unsafe, insanitary,  
879 or overcrowded housing and providing dwelling accommodations and maintaining a

- 880 wholesome living environment for persons of medium and low income, and  
 881 cooperate with any public body or the private sector in action taken in connection  
 882 with those problems;
- 883 (w) acting through one or more commissioners or other persons designated by the  
 884 authority, conduct examinations and investigations and hear testimony and take proof  
 885 under oath at public or private hearings on any matter material for its information;
- 886 (x) administer oaths, issue subpoenas requiring the attendance of witnesses or the  
 887 production of books and papers, and issue commissions for the examination of  
 888 witnesses outside the state who are unable to appear before the authority or are  
 889 excused from attendance;
- 890 (y) make available to appropriate agencies, including those charged with the duty of  
 891 abating or requiring the correction of nuisances or like conditions or of demolishing  
 892 unsafe or insanitary structures within its area of operation, its findings and  
 893 recommendations with regard to any building or property where conditions exist that  
 894 are dangerous to the public health, morals, safety, or welfare; and
- 895 (z) exercise all or any part or combination of the powers granted under this part.
- 896 (3)(a) If there are two or more housing authorities established within a county of the first  
 897 or second class, then those housing authorities shall create a uniform online  
 898 application for the housing choice voucher program with links to each of the housing  
 899 authorities within the county.
- 900 (b) As used in Subsection (3)(a), "housing choice voucher program" means the federal  
 901 government's housing assistance program administered by a housing authority, which  
 902 enables low-income families, the elderly, and the disabled to secure decent, safe, and  
 903 sanitary housing in the private market.
- 904 (4)(a) No provision of law with respect to the acquisition, operation, or disposition of  
 905 property by other public bodies is applicable to an authority unless the Legislature  
 906 specifically states that it is.
- 907 (b) An authority, other than a housing authority described in Section 35A-8-403, shall  
 908 comply with the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property.  
 909 Section 18. Section **53G-4-902** is amended to read:  
 910 **53G-4-902 . Purchase of surplus property.**
- 911 (1) An eligible entity may purchase, and each school district shall sell, surplus property as  
 912 provided in this section.
- 913 (2)(a) Upon declaring land to be surplus property, each school district shall give written

- 914 notice to each eligible entity in which the surplus property is located.
- 915 (b) Each notice under Subsection (2)(a) shall:
- 916 (i) state that the school district has declared the land to be surplus property; and
- 917 (ii) describe the surplus property.
- 918 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by
- 919 paying the school district the purchase price.
- 920 (4)(a) The legislative body of each eligible entity desiring to purchase surplus property
- 921 under this section shall:
- 922 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt
- 923 a resolution declaring the intent to purchase the surplus property and deliver a
- 924 copy of the resolution to the school district; and
- 925 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i)
- 926 to the school district, deliver to the school district an earnest money offer to
- 927 purchase the surplus property at the purchase price.
- 928 (b) If an eligible entity fails to comply with either of the requirements under Subsection
- 929 (4)(a) within the applicable time period, the eligible entity forfeits the right to
- 930 purchase the surplus property.
- 931 (5)(a) An eligible entity may waive the eligible entity's right to purchase surplus
- 932 property under this part by submitting a written waiver to the school district.
- 933 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has
- 934 no further obligation under this part to sell the surplus property to the eligible entity.
- 935 (6) Surplus property acquired by an eligible entity may not be used for any purpose other
- 936 than:
- 937 (a) a county, city, or town hall;
- 938 (b) a park or other open space;
- 939 (c) a cultural center or community center;
- 940 (d) a facility for the promotion, creation, or retention of public or private jobs within the
- 941 state through planning, design, development, construction, rehabilitation, business
- 942 relocation, or any combination of these, within a county, city, or town;
- 943 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public
- 944 or private facilities, or other improvements that benefit the state or a county, city, or
- 945 town;
- 946 (f) a facility for a charter school under Chapter 5, Charter Schools; or
- 947 (g) the sale, use, or lease for moderate income housing, as defined in Section 63L-12-101.

948 (7) If no eligible entity delivers a copy of a resolution to the school district as described in  
949 Subsection (4)(a)(i) within 90 days of the day on which the school district notifies  
950 eligible entities under Subsection (2), the school district may sell surplus property in  
951 accordance with Title 11, Chapter 1, Part 2, Disposal of Public Property.

952 [~~7~~] (8)(a) A school district that sells surplus property under this part may use proceeds  
953 from the sale only for bond debt reduction or school district capital facilities.

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

957 Section 19. **Repealer.**

958 This bill repeals:

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

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

961 Section 20. **Effective Date.**

962 This bill takes effect on May 6, 2026.