

**Effective 5/10/2016**

**Part 1**  
**Community Reinvestment Project Area Plan**

**17C-5-101 Title.**

- (1) This chapter is known as "Community Reinvestment."
- (2) This part is known as "Community Reinvestment Project Area Plan."

Enacted by Chapter 350, 2016 General Session

**17C-5-102 Applicability of chapter.**

This chapter applies to a community reinvestment project area that:

- (1) an agency created on or after May 10, 2016; and
- (2) an agency, that has entered into an interlocal agreement and levies a property tax under Chapter 1, Part 10, Agency Taxing Authority, created for a cooperative development project or an economic development project as those terms are defined in Section 17C-1-1001.

Amended by Chapter 214, 2021 General Session

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

- (1) Subject to Subsection (2), a board shall initiate the process of adopting a community reinvestment project area plan by adopting a survey area resolution that:
  - (a) designates a geographic area located within the agency's boundaries as a survey area;
  - (b) contains a description or map of the boundaries of the survey area;
  - (c) contains a statement that the survey area requires study to determine whether project area development is feasible within one or more proposed community reinvestment project areas within the survey area; and
  - (d) authorizes the agency to:
    - (i) prepare a proposed community reinvestment project area plan for each proposed community reinvestment project area; and
    - (ii) conduct any examination, investigation, or negotiation regarding the proposed community reinvestment project area that the agency considers appropriate.
- (2) If an agency anticipates using eminent domain to acquire property within the survey area, the resolution described in Subsection (1) shall include:
  - (a) a statement that the survey area requires study to determine whether a development impediment exists within the survey area; and
  - (b) authorization for the agency to conduct a development impediment study in accordance with Section 17C-5-403.

Amended by Chapter 376, 2019 General Session

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

- (1) An agency may not propose a community reinvestment project area plan unless the community in which the proposed community reinvestment project area plan is located:
  - (a) has a planning commission; and
  - (b) has adopted a general plan under:

- (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
  - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (2)
- (a) Before an agency may adopt a proposed community reinvestment project area plan, the agency shall conduct a development impediment study and make a development impediment determination in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, if the agency anticipates using eminent domain to acquire property within the proposed community reinvestment project area.
  - (b) If applicable, an agency may not approve a community reinvestment project area plan more than one year after the agency adopts a resolution making a development impediment determination under Section 17C-5-402.
- (3) To adopt a community reinvestment project area plan, an agency shall:
- (a) prepare a proposed community reinvestment project area plan in accordance with Section 17C-5-105;
  - (b) make the proposed community reinvestment project area plan available to the public at the agency's office during normal business hours for at least 30 days before the plan hearing described in Subsection (3)(e);
  - (c) before holding the plan hearing described in Subsection (3)(e), provide an opportunity for the State Board of Education and each taxing entity that levies or imposes a tax within the proposed community reinvestment project area to consult with the agency regarding the proposed community reinvestment project area plan;
  - (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
  - (e) hold a plan hearing on the proposed community reinvestment project area plan and, at the plan hearing:
    - (i) allow public comment on:
      - (A) the proposed community reinvestment project area plan; and
      - (B) whether the agency should revise, approve, or reject the proposed community reinvestment project area plan; and
    - (ii) receive all written and oral objections to the proposed community reinvestment project area plan; and
  - (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency meeting:
    - (i) consider:
      - (A) the oral and written objections to the proposed community reinvestment project area plan and evidence and testimony for and against adoption of the proposed community reinvestment project area plan; and
      - (B) whether to revise, approve, or reject the proposed community reinvestment project area plan;
    - (ii) adopt a resolution in accordance with Section 17C-5-108 that approves the proposed community reinvestment project area plan, with or without revisions, as the community reinvestment project area plan; and
    - (iii) submit the community reinvestment project area plan to the community legislative body for adoption.
- (4)
- (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed community reinvestment project area plan to add one or more parcels to the proposed community reinvestment project area unless the agency holds a plan hearing to consider the addition

and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements.

- (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to a proposed community reinvestment project area plan being modified to add one or more parcels to the proposed community reinvestment project area if:
  - (i) each parcel is contiguous to one or more parcels already included in the proposed community reinvestment project area under the proposed community reinvestment project area plan;
  - (ii) the record owner of each parcel consents to adding the parcel to the proposed community reinvestment project area; and
  - (iii) each parcel is located within the survey area.

Amended by Chapter 376, 2019 General Session

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

An agency shall ensure that each community reinvestment project area plan and proposed community reinvestment project area plan:

- (1) subject to Section 17C-1-414, if applicable, includes a boundary description and a map of the community reinvestment project area;
- (2) contains a general statement of the existing land uses, layout of principal streets, population densities, and building intensities of the community reinvestment project area and how each will be affected by project area development;
- (3) states the standards that will guide project area development;
- (4) shows how project area development will further purposes of this title;
- (5) is consistent with the general plan of the community in which the community reinvestment project area is located and shows that project area development will conform to the community's general plan;
- (6) if applicable, describes how project area development will eliminate or reduce a development impediment in the community reinvestment project area;
- (7) describes any specific project area development that is the object of the community reinvestment project area plan;
- (8) if applicable, explains how the agency plans to select a participant;
- (9) states each reason the agency selected the community reinvestment project area;
- (10) describes the physical, social, and economic conditions that exist in the community reinvestment project area;
- (11) describes each type of financial assistance that the agency anticipates offering a participant;
- (12) includes an analysis or description of the anticipated public benefit resulting from project area development, including benefits to the community's economic activity and tax base;
- (13) includes the rationale for the use of tax increment, including an analysis of whether the proposed project area development might reasonably be expected to occur in the foreseeable future without the use of tax increment;
- (14) if applicable, states that the agency shall comply with Section 9-8a-404 as required under Section 17C-5-106;
- (15) for a community reinvestment project area plan that an agency adopted before May 14, 2019, states whether the community reinvestment project area plan or proposed community reinvestment project area plan is subject to a taxing entity committee or an interlocal agreement; and
- (16) includes other information that the agency determines to be necessary or advisable.

Amended by Chapter 316, 2024 General Session

**17C-5-106 Existing and historic buildings and uses in a community reinvestment project area.**

An agency shall comply with Section 9-8a-404 as though the agency is a state agency if:

- (1) any of the existing buildings or uses in a community reinvestment project area are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register; and
- (2) the agency spends agency funds on the demolition or rehabilitation of existing buildings described in Subsection (1).

Amended by Chapter 160, 2023 General Session

**17C-5-107 Objections to a community reinvestment project area plan.**

- (1) A person may object to a proposed community reinvestment project area plan:
  - (a) in writing at any time before or during a plan hearing; or
  - (b) orally during a plan hearing.
- (2) An agency may not approve a proposed community reinvestment project area plan if, after receiving public comment at a plan hearing in accordance with Subsection 17C-5-104(3)(e) (i), the record property owners of at least 51% of the private land area within the most recently proposed community reinvestment project area object to the proposed community reinvestment project area plan.

Enacted by Chapter 350, 2016 General Session

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

A board shall ensure that a resolution approving a proposed community reinvestment area plan as the community reinvestment project area plan under Section 17C-5-104 contains:

- (1) a boundary description of the community reinvestment project area that is the subject of the community reinvestment project area plan;
- (2) the agency's purposes and intent with respect to the community reinvestment project area;
- (3) the proposed community reinvestment project area plan incorporated by reference;
- (4) the board findings and determinations that the proposed community reinvestment project area plan:
  - (a) serves a public purpose;
  - (b) produces a public benefit as demonstrated by the analysis described in Subsection 17C-5-105(12);
  - (c) is economically sound and feasible;
  - (d) conforms to the community's general plan; and
  - (e) promotes the public peace, health, safety, and welfare of the community in which the proposed community reinvestment project area is located; and
- (5) if the board made a development impediment determination under Section 17C-5-402, a statement that the board made a development impediment determination within the proposed community reinvestment project area and the date on which the board made the determination.

Amended by Chapter 376, 2019 General Session

**17C-5-109 Community reinvestment project area plan to be adopted by community legislative body.**

- (1) A proposed community reinvestment project area plan approved by board resolution under Section 17C-5-104 may not take effect until the community legislative body:
  - (a) by ordinance, adopts the proposed community reinvestment project area plan; and
  - (b) provides notice in accordance with Section 17C-5-110.
- (2) An ordinance described in Subsection (1)(a) shall designate the community reinvestment project area plan as the official plan of the community reinvestment project area.

Enacted by Chapter 350, 2016 General Session

**17C-5-110 Notice of community reinvestment project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.**

- (1)
  - (a) Upon a community legislative body's adoption of a community reinvestment project area plan in accordance with Section 17C-5-109, or an amendment to a community reinvestment project area plan in accordance with Section 17C-5-112, the community legislative body shall provide notice of the adoption or amendment in accordance with Subsection (1)(b) by publishing notice for the community, as a class A notice under Section 63G-30-102, for 30 days.
  - (b) A notice described in Subsection (1)(a) shall include:
    - (i) a copy of the community legislative body's ordinance, or a summary of the ordinance, that adopts the community reinvestment project area plan; and
    - (ii) a statement that the community reinvestment project area plan is available for public inspection and the hours for inspection.
- (2) A community reinvestment project area plan is effective at the end of the 30-day period described in Subsection (1)(a).
- (3) A community reinvestment project area is considered created the day on which the community reinvestment project area plan becomes effective as described in Subsection (2).
- (4)
  - (a) Within 30 days after the day on which a community reinvestment project area plan is effective, a person may contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan if the community reinvestment project area plan or the procedure fails to comply with a provision of this title.
  - (b) After the 30-day period described in Subsection (4)(a) expires, a person may not contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan.
- (5) Upon adoption of a community reinvestment project area plan by the community legislative body, the agency may implement the community reinvestment project area plan.
- (6) The agency shall make the community reinvestment project area plan available to the public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

**17C-5-111 Agency required to transmit and record documentation after adoption of community reinvestment project area plan.**

Within 30 days after the day on which a community legislative body adopts a community reinvestment project area plan under Section 17C-5-109, the agency shall:

- (1) record with the recorder of the county in which the community reinvestment project area is located a document containing:
  - (a) the name of the community reinvestment project area;
  - (b) a boundary description of the community reinvestment project area; and
  - (c)
    - (i) a statement that the community legislative body adopted the community reinvestment project area plan; and
    - (ii) the day on which the community legislative body adopted the community reinvestment project area plan;
- (2) transmit a copy of a description of the land within the community reinvestment project area and an accurate map or plat indicating the boundaries of the community reinvestment project area to the Utah Geospatial Resource Center created in Section 63A-16-505; and
- (3) for a community reinvestment project area plan that provides for the agency to receive tax increment, transmit a copy of a description of the land within the community reinvestment project area, a copy of the community legislative body ordinance adopting the community reinvestment project area plan, and an accurate map or plat indicating the boundaries of the community reinvestment project area to:
  - (a) the auditor, recorder, county or district attorney, surveyor, and assessor of each county in which any part of the community reinvestment project area is located;
  - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
  - (c) the legislative body or governing board of each taxing entity;
  - (d) the State Tax Commission; and
  - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

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

- (1) Except as provided in Section 17C-1-1002, an agency may amend a community reinvestment project area plan in accordance with this section.
- (2)
  - (a) If an amendment proposes to enlarge a community reinvestment project area's geographic area, the agency shall:
    - (i) comply with this part as though the agency were creating a community reinvestment project area;
    - (ii) if the agency anticipates receiving project area funds from the area proposed to be added to the community reinvestment project area, before the agency may collect project area funds:
      - (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtain approval to receive tax increment from the taxing entity committee; or
      - (B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement; and
    - (iii) if the agency anticipates acquiring property in the area proposed to be added to the community reinvestment project area by eminent domain, follow the procedures described in Section 17C-5-402.
  - (b) The base year for the area proposed to be added to the community reinvestment project area shall be determined using the date of:

- (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or
  - (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).
- (3) If an amendment does not propose to enlarge a community reinvestment project area's geographic area, the board may adopt a resolution approving the amendment after the agency:
  - (a) if the amendment does not propose to allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:
    - (i) gives notice in accordance with Section 17C-1-806; and
    - (ii) holds a public hearing on the proposed amendment that meets the requirements described in Subsection 17C-5-104(3); or
  - (b) if the amendment proposes to also allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:
    - (i) complies with Subsections (3)(a)(i) and (ii); and
    - (ii)
      - (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtains approval from the taxing entity committee; or
      - (B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtains approval to receive project area funds from the taxing entity that is a party to the interlocal agreement.
- (4)
  - (a) If a board has not made a determination under Part 4, Development Impediment Determination in a Community Reinvestment Project Area, but intends to use eminent domain within a community reinvestment project area, the agency may amend the community reinvestment project area plan in accordance with this Subsection (4).
  - (b) To amend a community reinvestment project area plan as described in Subsection (4)(a), an agency shall:
    - (i) adopt a survey area resolution that identifies each parcel that the agency intends to study to determine whether a development impediment exists;
    - (ii) in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, conduct a development impediment study within the survey area and make a development impediment determination; and
    - (iii) obtain approval to amend the community reinvestment project area plan from each taxing entity that is a party to an interlocal agreement.
  - (c) Amending a community reinvestment project area plan as described in this Subsection (4) does not affect:
    - (i) the base year of the parcel or parcels that are the subject of an amendment under this Subsection (4); and
    - (ii) any interlocal agreement under which the agency is authorized to receive project area funds from the community reinvestment project area.
- (5) An agency may amend a community reinvestment project area plan without obtaining the consent of a taxing entity or a taxing entity committee and without providing notice or holding a public hearing if the amendment:
  - (a) makes a minor adjustment in the community reinvestment project area boundary that is requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
  - (b) removes one or more parcels from a community reinvestment project area because the agency determines that each parcel is:
    - (i) tax exempt;
    - (ii) without a development impediment; or

- (iii) no longer necessary or desirable to the project area.
- (6)
  - (a) An amendment approved by board resolution under this section may not take effect until the community legislative body adopts an ordinance approving the amendment.
  - (b) Upon the community legislative body adopting an ordinance approving an amendment under Subsection (6)(a), the agency shall comply with the requirements described in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community reinvestment project area plan.
- (7)
  - (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
  - (b) After the 30-day period described in Subsection (7)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

**17C-5-113 Expedited community reinvestment project area plan -- Hearing and notice requirements.**

- (1) As used in this section:
  - (a) "Qualified business entity" means a business entity that:
    - (i) has a primary market for the qualified business entity's goods or services outside of the state; and
    - (ii) is not primarily engaged in retail sales.
  - (b) "Tax increment incentive" means the portion of an agency's tax increment that is paid to a qualified business entity for the purpose of implementing a community reinvestment project area plan.
- (2) An agency and a qualified business entity may, in accordance with Subsection (3), enter into an agreement that allows the qualified business entity to receive a tax increment incentive.
- (3) An agreement described in Subsection (2) shall set annual postperformance targets for:
  - (a) capital investment within the community reinvestment project area;
  - (b) the number of new jobs created within the community reinvestment project area;
  - (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of the prevailing wage of the county within which the community reinvestment project area is located; and
  - (d) the amount of local vendor opportunity generated by the qualified business entity.
- (4) A qualified business entity may only receive a tax increment incentive:
  - (a) if the qualified business entity complies with the agreement described in Subsection (3);
  - (b) on a postperformance basis; and
  - (c) on an annual basis after the agency receives tax increment from a taxing entity.
- (5) An agency may create or amend a community reinvestment project area plan for the purpose of providing a tax increment incentive without complying with the requirements described in Chapter 1, Part 8, Hearing and Notice Requirements, if:
  - (a) the agency:
    - (i) holds a public hearing to consider the need to create or amend a community reinvestment project area plan on an expedited basis;

- (ii) publishes notice for the community, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the public hearing described in Subsection (5)(a)(i) is held; and
- (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or amend the community reinvestment project area plan on an expedited basis;
- (b) all record property owners within the existing or proposed community reinvestment project area plan give written consent; and
- (c) each taxing entity affected by the tax increment incentive consents and enters into an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive to the qualified business entity.

Amended by Chapter 435, 2023 General Session