

Effective 5/10/2016

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

- (1) 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 activity within the area proposed to be added to the community reinvestment project area that requires a finding of blight under Subsection 17C-5-402(1), 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(2); 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 Subsection (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) 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 a parcel from a community reinvestment project area because the agency determines that the parcel is:
 - (i) tax exempt;
 - (ii) no longer blighted; or

(iii) no longer necessary or desirable to the project area.

(5)

(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 (5)(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.

(6)

(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 (6)(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.

Enacted by Chapter 350, 2016 General Session