

**Effective 5/3/2023**

**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