

Effective 5/10/2016

17C-5-402 Blight determination in a community reinvestment project area -- Prerequisites -- Restrictions.

- (1) An agency shall comply with the provisions of this section before the agency may use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.
- (2) An agency shall, after adopting a survey area resolution as described in Section 17C-5-103:
 - (a) cause a blight study to be conducted within the survey area in accordance with Section 17C-5-403;
 - (b) provide notice and hold a blight hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (c) after the blight hearing, at the same or at a subsequent meeting:
 - (i) consider:
 - (A) the issue of blight and the evidence and information relating to the existence or nonexistence of blight; and
 - (B) whether the agency should pursue adoption of one or more community reinvestment project area plans; and
 - (ii) by resolution, make a finding regarding whether blight exists in the proposed community reinvestment project area.
- (3)
 - (a) If an agency makes a finding of blight under Subsection (2), the agency may not adopt the community reinvestment project area plan until the taxing entity committee approves the finding of blight.
 - (b)
 - (i) A taxing entity committee shall approve an agency's finding of blight unless the taxing entity committee demonstrates that the conditions the agency found to exist in the community reinvestment project area that support the agency's finding of blight:
 - (A) do not exist; or
 - (B) do not constitute blight under Section 17C-5-405.
 - (ii)
 - (A) If the taxing entity committee questions or disputes the existence of some or all of the blight conditions that the agency found to exist in the proposed community reinvestment project area, the taxing entity committee may hire a consultant, mutually agreed upon by the taxing entity committee and the agency, with the necessary expertise to assist the taxing entity committee in making a determination as to the existence of the questioned or disputed blight conditions.
 - (B) The agency shall pay the fees and expenses of each consultant hired under Subsection (3)(b)(ii)(A).
 - (C) The findings of a consultant hired under Subsection (3)(b)(ii)(A) are binding on the taxing entity committee and the agency.

Enacted by Chapter 350, 2016 General Session