



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **17B-4-102**, as last amended by Chapter 256, Laws of Utah 2003

31 **17B-4-401**, as enacted by Chapter 133, Laws of Utah 2001

32 **17B-4-402**, as last amended by Chapter 205, Laws of Utah 2002

33 **17B-4-403**, as last amended by Chapter 256, Laws of Utah 2003

34 **17B-4-601**, as enacted by Chapter 133, Laws of Utah 2001

35 **17B-4-602**, as last amended by Chapter 256, Laws of Utah 2003

36 **17B-4-603**, as last amended by Chapter 205, Laws of Utah 2002

37 **17B-4-604**, as last amended by Chapter 256, Laws of Utah 2003

38 **17B-4-605**, as enacted by Chapter 133, Laws of Utah 2001

39 **17B-4-1002**, as last amended by Chapter 205, Laws of Utah 2002



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

42 Section 1. Section **17B-4-102** is amended to read:

43 **17B-4-102. Definitions.**

44 (1) "Agency" means a separate body corporate and politic, created under Section  
45 17B-4-201 or previous law, that is a political subdivision of the state, that is created to  
46 undertake or promote redevelopment, economic development, or education housing  
47 development, or any combination of them, as provided in this chapter, and whose geographic  
48 boundaries are coterminous with:

- 49 (a) for an agency created by a county, the unincorporated area of the county; and
- 50 (b) for an agency created by a city or town, the boundaries of the city or town.

51 (2) "Assessment property owner" or "assessment owner of property" means the owner  
52 of real property as shown on the assessment roll of the county in which the property is located,  
53 equalized as of the previous November 1.

54 (3) "Assessment roll" has the meaning as defined in Section 59-2-102.

55 (4) "Base taxable value" means the taxable value of the property within a project area  
56 from which tax increment will be collected, as shown upon the assessment roll last equalized  
57 before:

- 58 (a) for a pre-July 1, 1993 project area plan, the effective date of the project area plan;

59 or

60 (b) for a post-June 30, 1993 project area plan:

61 (i) the date of the taxing entity committee's approval of the first project area budget; or

62 (ii) if no taxing entity committee approval is required for the project area budget, the

63 later of:

64 (A) the date the project area plan is adopted by the community legislative body; and

65 (B) the date the agency adopts the first project area budget.

66 (5) "Blight" or "blighted" means the condition of an area that meets the requirements of

67 Subsection 17B-4-604(1).

68 (6) "Blight hearing" means a public hearing under Subsection 17B-4-601~~(3)~~(1)(c) and

69 Section 17B-4-603 regarding the existence or nonexistence of blight within the proposed

70 redevelopment project area.

71 (7) "Blight study" means a study to determine the existence or nonexistence of blight

72 within a survey area as provided in Section 17B-4-602.

73 (8) "Board" means the governing body of an agency, as provided in Section 17B-4-203.

74 (9) "Budget hearing" means the public hearing on a draft project area budget required

75 under Subsection 17B-4-501(2)(e).

76 (10) "Community" means a county, city, or town.

77 (11) "Economic development" means to promote the creation or retention of public or

78 private jobs within the state through:

79 (a) planning, design, development, construction, rehabilitation, business relocation, or  
80 any combination of these, within part or all of a project area; and

81 (b) the provision of office, industrial, manufacturing, warehousing, distribution,  
82 parking, public, or other facilities, or other improvements that benefit the state or a community.

83 (12) "Education housing development" means the provision of high density housing  
84 within a project area that is adjacent to a public or private institution of higher education.

85 (13) "Loan fund board" means the Olene Walker Housing Loan Fund Board,  
86 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

87 (14) "Participating taxing entity" means a taxing entity:

88 (a) some or all of whose area is included within a project area or proposed project area;

89 and

90 (b) that elects in writing to have tax increment it generates paid to and used by an  
91 agency.

92 ~~[(14)]~~ (15) "Plan hearing" means the public hearing on a draft project area plan  
93 required under Subsection 17B-4-402(1)(e).

94 ~~[(15)]~~ (16) "Post-June 30, 1993 project area plan" means a redevelopment, economic  
95 development, or education housing development project area plan adopted on or after July 1,  
96 1993, whether or not amended subsequent to its adoption.

97 ~~[(16)]~~ (17) "Pre-July 1, 1993 project area plan" means a redevelopment project area  
98 plan adopted before July 1, 1993, whether or not amended subsequent to its adoption.

99 ~~[(17)]~~ (18) "Private," with respect to real property, means:

100 (a) not owned by the United States or any agency of the federal government, a public  
101 entity, or any other governmental entity; and

102 (b) not dedicated to public use.

103 ~~[(18)]~~ (19) "Project area" means the geographic area described in a project area plan or  
104 draft project area plan where the redevelopment, economic development, or education housing  
105 development set forth in the project area plan or draft project area plan takes place or is  
106 proposed to take place.

107 ~~[(19)]~~ (20) "Project area budget" means a multiyear projection of annual or cumulative  
108 revenues and expenses and other fiscal matters pertaining to a redevelopment, economic  
109 development, or education housing development project area that includes:

110 (a) the base taxable value of property in the project area;

111 (b) the projected tax increment expected to be generated within the project area;

112 (c) the amount of tax increment expected to be shared with other taxing entities;

113 (d) the amount of tax increment expected to be used to implement the project area plan,  
114 including the estimated amount of tax increment to be used for land acquisition, public  
115 improvements, infrastructure improvements, and loans, grants, or other incentives to private  
116 and public entities;

117 (e) the tax increment expected to be used to cover the cost of administering the project  
118 area plan;

119 (f) if the area from which tax increment is to be collected is less than the entire project  
120 area, a legal description of the portion of the project area from which tax increment will be

121 collected; and

122 (g) for property that the agency owns and expects to sell, the expected total cost of the  
123 property to the agency and the expected selling price.

124 ~~[(20)]~~ (21) "Project area plan" means a written plan under Part 4, Project Area Plan,  
125 that, after its effective date, guides and controls the redevelopment, economic development, or  
126 education housing development activities within the project area.

127 ~~[(21)]~~ (22) "Property tax" includes privilege tax and each levy on an ad valorem basis  
128 on tangible or intangible personal or real property.

129 ~~[(22)]~~ (23) "Public entity" means:

130 (a) the state, including any of its departments or agencies; or

131 (b) a political subdivision of the state, including a county, city, town, school district,  
132 special district, local district, or interlocal cooperation entity.

133 ~~[(23)]~~ (24) "Public input hearing" means the public hearing required under Subsection  
134 17B-4-402(1)(h)(ii) regarding a proposed redevelopment project.

135 ~~[(24)]~~ (25) "Record property owner" or "record owner of property" means the owner of  
136 real property as shown on the records of the recorder of the county in which the property is  
137 located and includes a purchaser under a real estate contract if the contract is recorded in the  
138 office of the recorder of the county in which the property is located or the purchaser gives  
139 written notice of the real estate contract to the agency.

140 ~~[(25)]~~ (26) "Redevelopment" means the development activities under a project area  
141 plan within a redevelopment project area, including:

142 (a) planning, design, development, demolition, clearance, construction, rehabilitation,  
143 or any combination of these, of part or all of a project area;

144 (b) the provision of residential, commercial, industrial, public, or other structures or  
145 spaces, including recreational and other facilities incidental or appurtenant to them;

146 (c) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or  
147 any combination of these, existing structures in a project area;

148 (d) providing open space, including streets and other public grounds and space around  
149 buildings;

150 (e) providing public or private buildings, infrastructure, structures, and improvements;

151 and

152 (f) providing improvements of public or private recreation areas and other public  
153 grounds.

154 [~~26~~] (27) "Superfund site":

155 (a) means an area included in the National Priorities List under the Comprehensive  
156 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

157 (b) includes an area formerly included in the National Priorities List, as described in  
158 Subsection [~~26~~] (27)(a), but removed from the list following remediation that leaves on site  
159 the waste that caused the area to be included in the National Priorities List.

160 [~~27~~] (28) "Survey area" means an area designated by a survey area resolution for  
161 study to determine whether one or more redevelopment projects within the area are feasible.

162 [~~28~~] (29) "Survey area resolution" means a resolution adopted by the agency board  
163 under Subsection 17B-4-401(1)(a) designating a survey area.

164 [~~29~~] (30) (a) "Tax increment" means, except as provided in Subsection [~~29~~] (30)(b),  
165 the difference between:

166 (i) the amount of property tax revenues generated each tax year by all participating  
167 taxing entities from the area within a project area designated in the project area plan as the area  
168 from which tax increment is to be collected, using the current assessed value of the property;  
169 and

170 (ii) the amount of property tax revenues that would be generated from that same area  
171 by participating taxing entities using the base taxable value of the property.

172 (b) "Tax increment" does not include taxes levied and collected under Section  
173 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

174 (i) the project area plan was adopted before May 4, 1993, whether or not the project  
175 area plan was subsequently amended; and

176 (ii) the taxes were pledged to support bond indebtedness or other contractual  
177 obligations of the agency.

178 [~~30~~] (31) "Taxing entity" means a public entity that levies a tax on property within a  
179 project area or proposed project area.

180 [~~31~~] (32) "Taxing entity committee" means a committee representing the interests of  
181 taxing entities, created as provided in Section 17B-4-1002.

182 Section 2. Section **17B-4-401** is amended to read:

183           **17B-4-401. Resolution designating survey area or authorizing the preparation of**  
184 **a draft project area plan -- Request to adopt resolution.**

185           (1) An agency board may begin the process of adopting a project area plan by adopting  
186 a resolution that:

187           (a) for a proposed redevelopment project area plan:

188           (i) designates an area located within the agency's boundaries as a survey area;

189           (ii) contains a statement that the survey area requires study to determine whether:

190           (A) one or more redevelopment projects within the survey area are feasible; and

191           (B) blight exists within the survey area; and

192           (iii) contains a description or map of the boundaries of the survey area; or

193           (b) for a proposed economic development or education housing development project  
194 area plan, authorizes the preparation of a draft project area plan.

195           (2) (a) Any person or any group, association, corporation, or other entity may submit a  
196 written request to the board to adopt a resolution under Subsection (1).

197           (b) A request under Subsection (2)(a) may include plans showing the redevelopment,  
198 economic development, or education housing development proposed for an area within the  
199 agency's boundaries.

200           (c) The board may, in its sole discretion, grant or deny a request under Subsection  
201 (2)(a).

202           (3) (a) (i) After adopting a resolution under Subsection (1), the board shall advertise  
203 the proposed project and solicit bids for the project as provided in this Subsection (3) and  
204 under Title 63, Chapter 56, Utah Procurement Code.

205           (ii) In advertising the project and soliciting bids, the board shall provide potential  
206 bidders information about the range of concepts that the board considers appropriate for the  
207 proposed project so that potential bidders may develop bids for projects that are consistent with  
208 those concepts.

209           (b) The board may award a contract for the project to the bidder that submits the bid  
210 that the board determines will result in a project that best fulfills the board's purposes in  
211 proposing the project.

212           Section 3. Section **17B-4-402** is amended to read:

213           **17B-4-402. Process for adopting project area plan -- Prerequisites -- Restrictions.**

214 (1) In order to adopt a project area plan, after adopting a resolution under Subsection  
215 17B-4-401(1) and conducting a bid process as provided in Subsection 17B-4-401(3) the agency  
216 shall:

217 (a) prepare a draft of a project area plan and conduct any examination, investigation,  
218 and negotiation regarding the project area plan that the agency considers appropriate;

219 (b) request input on the draft project area plan from the planning commission of the  
220 community in which the proposed project area is located;

221 (c) make the draft project area plan available to the public at the agency's offices during  
222 normal business hours;

223 (d) provide notice of the plan hearing as provided in Sections 17B-4-702 and  
224 17B-4-704;

225 (e) hold a public hearing on the draft project area plan and, at that public hearing:

226 (i) allow public comment on:

227 (A) the draft project area plan; and

228 (B) whether the draft project area plan should be revised, approved, or rejected; and

229 (ii) receive all written and hear all oral objections to the draft project area plan;

230 (f) before holding the plan hearing, provide an opportunity for the State Board of  
231 Education and each taxing entity that levies a tax on property within the proposed project area  
232 to consult with the agency regarding the draft project area plan;

233 (g) if applicable, hold the election required under Subsection 17B-4-406(3);

234 (h) for a redevelopment project area plan:

235 (i) comply with the requirements of Part 6, Blight Determination in Redevelopment  
236 Project Areas;

237 (ii) before providing notice of the plan hearing, hold at least one public hearing to:

238 (A) inform the public about each area being considered for a redevelopment project  
239 area; and

240 (B) allow public input into agency deliberations on proposing each redevelopment  
241 project area;

242 (iii) select one or more project areas comprising part or all of the survey area; and

243 (iv) before sending the first notice to assessment owners of property for a public input  
244 hearing, blight hearing, or combined public input and blight hearing, prepare and adopt



245 guidelines setting forth and governing the reasonable opportunities of record property owners  
246 and tenants to participate in the redevelopment;

247 (i) after holding the plan hearing, at the same meeting or at a subsequent meeting  
248 consider:

249 (i) the oral and written objections to the draft project area plan and evidence and  
250 testimony for or against adoption of the draft project area plan; and

251 (ii) whether to revise, approve, or reject the draft project area plan;

252 (j) approve the draft project area plan, with or without revisions, as the project area  
253 plan by a resolution that complies with Section 17B-4-407; and

254 (k) submit the project area plan to the community legislative body for adoption.

255 (2) An agency may not propose a project area plan under Subsection (1) unless the  
256 community in which the proposed project area is located:

257 (a) has a planning commission; and

258 (b) has adopted a general plan under:

259 (i) if the community is a city or town, Title 10, Chapter 9, Part 3, General Plan; or

260 (ii) if the community is a county, Title 17, Chapter 27, Part 3, General Plan.

261 (3) (a) Subject to Subsection (3)(b), an agency board may not approve a project area  
262 plan more than one year after:

263 (i) for a redevelopment project area plan involving the use of eminent domain,  
264 adoption of a resolution making a finding of blight under Subsection

265 17B-4-601[~~(4)(b)~~](1)(d)(ii); or

266 (ii) for an economic development or education housing development project area plan,  
267 the date of the plan hearing.

268 (b) If a project area plan is submitted to an election under Subsection 17B-4-406(3),  
269 the time between the plan hearing and the date of the election does not count for purposes of  
270 calculating the year period under Subsection (3)(a).

271 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be  
272 modified to add real property to the proposed project area unless the board holds a plan hearing  
273 to consider the addition and gives notice of the plan hearing as required under Sections  
274 17B-4-702 and 17B-4-704.

275 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft

276 project area plan being modified to add real property to the proposed project area if:

277 (i) the property is contiguous to the property already included in the proposed project  
278 area under the draft project area plan;

279 (ii) the record owner of the property consents to adding the real property to the  
280 proposed project area; and

281 (iii) for a redevelopment project area, the property is located within the survey area.

282 Section 4. Section **17B-4-403** is amended to read:

283 **17B-4-403. Project area plan requirements.**

284 (1) Each project area plan and draft project area plan shall:

285 (a) describe the boundaries of the project area;

286 (b) contain a general statement of the land uses, layout of principal streets, population  
287 densities, and building intensities of the project area and how they will be affected by the  
288 redevelopment, economic development, or education housing development;

289 (c) state the standards that will guide the redevelopment, economic development, or  
290 education housing development;

291 (d) show how the purposes of this chapter will be attained by the redevelopment,  
292 economic development, or education housing development;

293 (e) be consistent with the general plan of the community in which the project area is  
294 located and show that the redevelopment, economic development, or education housing  
295 development will conform to the community's general plan;

296 (f) if the agency board made a finding of blight under Subsection  
297 17B-4-601~~(4)(b)~~(1)(d)(ii):

298 (i) describe how the redevelopment will reduce or eliminate blight in the project area;  
299 and

300 (ii) if the agency is to have the power of eminent domain under the project area plan:

301 (A) provide record owners of property located within the redevelopment project area  
302 and their tenants reasonable opportunities to participate in the redevelopment if the record  
303 property owner or tenant enters into a participation agreement with the agency;

304 (B) state that the agency has adopted or will adopt guidelines setting forth and  
305 governing the opportunities of record property owners and tenants to participate in the  
306 redevelopment, as required by Subsection 17B-4-402(1)(h)(iv); and

- 307 (C) include a plan for the relocation of any families and persons who will be
- 308 temporarily or permanently displaced from housing facilities in the redevelopment project area;
- 309 (g) if the project area plan is for economic development, describe how the economic
- 310 development will create additional jobs;
- 311 (h) if the project area plan is for education housing development, describe how the
- 312 education housing development will meet the needs of the community in which the project area
- 313 is located;
- 314 (i) describe any specific project or projects that are the object of the proposed
- 315 redevelopment, economic development, or education housing development;
- 316 (j) identify how private developers, if any, will be selected to undertake the
- 317 redevelopment, economic development, or education housing development and identify each
- 318 private developer currently involved in the redevelopment, economic development, or
- 319 education housing development process;
- 320 (k) contain a time limit of no more than three years after adoption of the project area
- 321 plan for the agency to commence implementation of the project area plan, unless the project
- 322 area plan is adopted again as if it were an amended project area plan under Section 17B-4-411;
- 323 (l) if the project area plan authorizes the use of eminent domain, contain a time limit of
- 324 no more than five years after the effective date of the project area plan for the agency to
- 325 commence acquisition of property through the use of eminent domain;
- 326 (m) if the project area plan provides for tax increment to be paid to the agency:
  - 327 (i) contain a time limit of no more than 25 years for tax increment to be paid to the
  - 328 agency from the project area unless the taxing entity committee consents to a longer period;
  - 329 and
  - 330 (ii) contain a provision that the project area may not exceed 100 acres of private real
  - 331 property unless:
    - 332 (A) the agency obtains the consent of the taxing entity committee; or
    - 333 (B) the project area is a superfund site;
  - 334 (n) state the reasons for the selection of the project area;
  - 335 (o) describe the physical, social, and economic conditions existing in the project area;
  - 336 (p) provide a financial analysis describing the proposed method of financing the
  - 337 proposed redevelopment, economic development, or education housing development;

338 (q) describe any tax incentives offered private entities for facilities located in the  
339 project area;

340 (r) contain the report and state any recommendations of the community's planning  
341 commission;

342 (s) include an analysis, as provided in Subsection (2), of whether adoption of the  
343 project area plan is:

344 (i) for a redevelopment project area plan, necessary and appropriate to reduce or  
345 eliminate blight; or

346 (ii) for an economic development or education housing development project area plan,  
347 beneficial under a benefit analysis;

348 (t) if any of the existing buildings or uses in the project area are included in or eligible  
349 for inclusion in the National Register of Historic Places or the State Register, state that the  
350 agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency; and

351 (u) include other information that the agency determines to be necessary or advisable.

352 (2) Each analysis under Subsection (1)(s)(ii) shall consider:

353 (a) the benefit of any financial assistance or other public subsidy proposed to be  
354 provided by the agency, including:

355 (i) an evaluation of the reasonableness of the costs of economic development or  
356 education housing development;

357 (ii) efforts the agency has made or will make to maximize private investment;

358 (iii) the rationale for use of tax increment, including an analysis of whether the  
359 proposed development might reasonably be expected to occur in the foreseeable future solely  
360 through private investment; and

361 (iv) an estimate of the total amount of tax increment that will be expended in  
362 undertaking economic development or education housing development and the length of time  
363 for which it will be expended; and

364 (b) the anticipated public benefit to be derived from the economic development or  
365 education housing development, including:

366 (i) the beneficial influences upon the tax base of the community;

367 (ii) the associated business and economic activity likely to be stimulated; and

368 (iii) in the case of economic development, the number of jobs or employment

369 anticipated to be generated or preserved.

370 Section 5. Section 17B-4-601 is amended to read:

371 **17B-4-601. Additional procedure for adopting a redevelopment project area**  
372 **plan.**

373 (1) In addition to other applicable requirements for adopting a project area plan, to  
374 adopt a redevelopment project area plan the agency shall:

375 ~~[(1)]~~ (a) after receiving the taxing entity committee's consent for a blight study, cause a  
376 blight study to be conducted within the survey area as provided in Section 17B-4-602;

377 ~~[(2)]~~ (b) provide notice of a blight hearing as required under Part 7, Notice  
378 Requirements;

379 ~~[(3)]~~ (c) hold a blight hearing as provided in Section 17B-4-603; and

380 ~~[(4)]~~ (d) after the blight hearing has been held, hold a board meeting, either at the same  
381 time as the blight hearing or at a subsequent board meeting, at which the board shall:

382 ~~[(a)]~~ (i) consider:

383 ~~[(i)]~~ (A) the issue of blight and the evidence and information relating to the existence  
384 or nonexistence of blight; and

385 ~~[(ii)]~~ (B) whether adoption of one or more redevelopment project area plans should be  
386 pursued; and

387 ~~[(b) by resolution]~~ (ii) make a finding regarding the existence of blight in the proposed  
388 redevelopment project area.

389 (2) The agency's finding of blight under Subsection (1) has no effect until approved by  
390 the taxing entity committee.

391 Section 6. Section 17B-4-602 is amended to read:

392 **17B-4-602. Blight study -- Requirements -- Deadline.**

393 (1) Each blight study required under Subsection 17B-4-601(1)(a) shall:

394 (a) provide data so the board may determine:

395 (i) whether the conditions described in ~~[Subsections]~~ Subsection 17B-4-604(1)(a)~~[(i)~~  
396 ~~and (ii)]~~ exist in ~~[part or all of]~~ the survey area; and

397 ~~[(ii) whether the factors listed in Subsection 17B-4-604(1)(a)(iii) are present in the~~  
398 ~~survey area; and]~~

399 ~~[(iii)]~~ (ii) whether the survey area contains a superfund site;

- 400 (b) include a written report setting forth:
- 401 (i) the conclusions reached; and
- 402 (ii) any other information requested by the agency to determine whether a
- 403 redevelopment project area is feasible; and
- 404 (c) be completed within one year after the adoption of the survey area resolution.

405 (2) (a) If a blight study is not completed within one year after the adoption of the  
406 resolution under Subsection 17B-4-401(1)(a) designating a survey area, the agency may not  
407 approve a redevelopment project area plan based on that blight study unless it first adopts a  
408 new resolution under Subsection 17B-4-401(1)(a).

409 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a  
410 resolution under Subsection 17B-4-401(1)(a) adopted for the first time, except that any actions  
411 taken toward completing a blight study under the resolution that the new resolution replaces  
412 shall be considered to have been taken under the new resolution.

413 Section 7. Section **17B-4-603** is amended to read:

414 **17B-4-603. Blight hearing -- Owners may review evidence of blight.**

415 (1) In each hearing required under Subsection 17B-4-601[~~(3)~~](1)(c), the agency shall:

416 (a) permit all evidence of the existence or nonexistence of blight within the proposed  
417 redevelopment project area to be presented; and

418 (b) permit each record owner of property located within the proposed redevelopment  
419 project area or the record property owner's representative the opportunity to:

420 (i) examine and cross-examine witnesses providing evidence of the existence or  
421 nonexistence of blight; and

422 (ii) present evidence and testimony, including expert testimony, concerning the  
423 existence or nonexistence of blight.

424 (2) The agency shall allow record owners of property located within a proposed  
425 redevelopment project area the opportunity, for at least 30 days before the hearing, to review  
426 the evidence of blight compiled by the agency or by the person or firm conducting the blight  
427 study for the agency, including any expert report.

428 Section 8. Section **17B-4-604** is amended to read:

429 **17B-4-604. Conditions on board determination of blight -- Conditions of blight**  
430 **caused by the developer.**

431 (1) An agency board may not make a finding of blight in a resolution under Subsection  
432 17B-4-601~~[(4)(b)]~~(1)(d)(ii) unless the board finds that the redevelopment project area:  
433 ~~[(a) (i) contains buildings or improvements used or intended to be used for residential,~~  
434 ~~commercial, industrial, or other urban purposes, or any combination of those uses;]~~  
435 ~~[(ii) contains buildings or improvements on at least 50% of the number of parcels of~~  
436 ~~private real property whose acreage is at least 50% of the acreage of the private real property~~  
437 ~~within the proposed redevelopment project area; and]~~  
438 ~~[(iii) (a) (i) has been condemned because it is unfit or unsafe to occupy or [may be]~~  
439 ~~conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime~~  
440 ~~[because of any three or more of the following factors:]; or~~  
441 ~~[(A) defective character of physical construction;]~~  
442 ~~[(B) high density of population or overcrowding;]~~  
443 ~~[(C) inadequate ventilation, light, or spacing between buildings;]~~  
444 ~~[(D) mixed character and shifting of uses, resulting in obsolescence, deterioration, or~~  
445 ~~dilapidation;]~~  
446 ~~[(E) economic deterioration or continued disuse;]~~  
447 ~~[(F) lots of irregular shape or inadequate size for proper usefulness and development,~~  
448 ~~or laying out of lots in disregard of the contours and other physical characteristics of the ground~~  
449 ~~and surrounding conditions;]~~  
450 ~~[(G) inadequate sanitation or public facilities which may include streets, open spaces,~~  
451 ~~and utilities;]~~  
452 ~~[(H) areas that are subject to being submerged by water; and]~~  
453 ~~[(f) existence of any hazardous or solid waste, defined as any substance defined,~~  
454 ~~regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste,~~  
455 ~~pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the~~  
456 ~~environment under state or federal law or regulation; or]~~  
457 (ii) experiences an inordinately high rate of crime that results to a significant degree  
458 from the dilapidated condition of structures within the project area; or  
459 (b) is a superfund site.  
460 (2) (a) For purposes of Subsection (1), if a developer involved in the redevelopment  
461 project or the community in which the project area is located causes a condition listed in

462 Subsection (1)(a)(~~iii~~) within the project area, the condition caused by the developer or  
 463 community may not be used in the determination of blight.

464 (b) Subsection (2)(a) does not apply to a condition that was caused by an owner or  
 465 tenant who becomes a developer under Section 17B-4-901.

466 Section 9. Section **17B-4-605** is amended to read:

467 **17B-4-605. Challenging a finding of blight -- Time limit -- De novo review.**

468 (1) If the board makes a finding of blight under Subsection 17B-4-601(~~(4)(b)~~)(1)(d)(ii),  
 469 a record owner of property located within the proposed redevelopment project area may  
 470 challenge the finding by filing an action with the district court for the county in which the  
 471 property is located.

472 (2) Each challenge under Subsection (1) shall be filed within 30 days after the board's  
 473 adoption of the resolution containing the finding of blight.

474 (3) In each action under this section:

475 (a) the district court shall review de novo the finding of blight; and

476 (b) the agency maintains the burden of proof regarding the existence of blight.

477 Section 10. Section **17B-4-1002** is amended to read:

478 **17B-4-1002. Taxing entity committee.**

479 (1) Each agency that adopts or proposes to adopt a post-June 30, 1993 project area plan  
 480 shall, and any other agency may, cause a taxing entity committee to be created.

481 (2) (a) (i) Each taxing entity committee shall be composed of:

482 (A) if the boundaries of the project area or proposed project area include one or more  
 483 school districts that are participating taxing entities, two school district representatives  
 484 appointed as provided in Subsection (2)(a)(ii);

485 (B) (I) in [~~counties~~] a county of the second, third, fourth, fifth, or sixth class that is a  
 486 participating taxing entity, two representatives appointed by resolution of the legislative body  
 487 of the county in which the agency is located; or

488 (II) in [~~counties~~] a county of the first class that is a participating taxing entity, two  
 489 representatives appointed by the county executive of the county in which the agency is located;

490 (C) if the agency was created by a city or town that is a participating taxing entity, two  
 491 representatives appointed by resolution of the legislative body of that city or town;

492 (D) if the boundaries of the project area or proposed project area include one or more



493 school districts that are participating taxing entities, one representative appointed by the State  
494 Board of Education; and

495 (E) one representative selected by majority vote of the legislative bodies or governing  
496 boards of all other participating taxing entities that levy a tax on property within the agency's  
497 boundaries, to represent the interests of those participating taxing entities on the taxing entity  
498 committee.

499 (ii) (A) If the agency boundaries include only one school district that is a participating  
500 taxing entity, that school district shall appoint the two school district representatives under  
501 Subsection (2)(a)(i)(A).

502 (B) If the agency boundaries include two or more [~~than one~~] school [~~district~~] districts  
503 that are participating taxing entities, those school districts shall jointly appoint the two school  
504 district representatives under Subsection (2)(a)(i)(A).

505 (b) (i) Each taxing entity committee representative under this Subsection (2) shall be  
506 appointed within 30 days after the agency provides notice of the creation of the taxing entity  
507 committee.

508 (ii) If a representative is not appointed within the time required under Subsection  
509 (2)(b)(i), the agency board may appoint a person to serve on the taxing entity committee in the  
510 place of the missing representative until that representative is appointed.

511 (c) (i) A taxing entity committee representative may be appointed for a set term or  
512 period of time, as determined by the appointing authority under Subsection (2)(a)(i).

513 (ii) Each taxing entity committee representative shall serve until a successor is  
514 appointed and qualified.

515 (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether  
516 an initial appointment or an appointment to replace an already serving representative, the  
517 appointing authority shall:

518 (A) notify the agency in writing of the name and address of the newly appointed  
519 representative; and

520 (B) provide the agency a copy of the resolution making the appointment or, if the  
521 appointment is not made by resolution, other evidence of the appointment.

522 (ii) Each appointing authority of a taxing entity committee representative under  
523 Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a

524 representative appointed by that appointing authority.

525 (3) A taxing entity committee represents all taxing entities regarding a project area and  
526 may:

527 (a) cast votes that will be binding on all taxing entities;

528 (b) negotiate with the agency concerning a draft project area plan;

529 (c) approve or disapprove the conducting of a blight study under Section 17B-4-601;

530 (d) approve or disapprove the agency's finding of blight under Section 17B-4-601;

531 [~~(e)~~] (e) approve or disapprove a project area budget as provided in Section 17B-4-505;

532 [~~(f)~~] (f) approve or disapprove amendments to a project area budget as provided in  
533 Section 17B-4-507;

534 [~~(g)~~] (g) approve exceptions to the limits on the value and size of a project area  
535 imposed under this chapter;

536 [~~(h)~~] (h) approve exceptions to the percentage of tax increment and the period of time  
537 that tax increment is paid to the agency as provided in this part;

538 [~~(i)~~] (i) approve the use of tax increment for access and utilities outside of a project  
539 area that the agency and community legislative body determine to be of benefit to the project  
540 area, as provided in Subsection 17B-4-1007(1)(a)(ii)(D);

541 [~~(j)~~] (j) waive the restrictions imposed by Subsection 17B-4-503(2)(a); and

542 [~~(k)~~] (k) give other taxing entity committee approval or consent required or allowed  
543 under this chapter.

544 (4) A quorum of a taxing entity committee consists of:

545 (a) except as provided in Subsection (4)(b):

546 (i) if the project area is located within a city or town, five members; or

547 (ii) if the project area is not located within a city or town, four members; or

548 (b) for an education housing development project area as to which the school district  
549 has elected under Subsection 17B-4-1004(5) not to allow the agency to be paid tax increment  
550 from school district tax revenues:

551 (i) if the project area is located within a city or town, three members; or

552 (ii) if the project area is not located within a city or town, two members.

553 (5) Taxing entity committee approval, consent, or other action requires the affirmative  
554 vote of a majority of a quorum present at a taxing entity committee meeting.

555 (6) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and  
556 Public Meetings.

557 (7) Each time a school district representative or a representative of the State Board of  
558 Education votes as a member of a taxing entity committee to allow an agency to be paid tax  
559 increment or to increase the amount or length of time that an agency may be paid tax  
560 increment, that representative shall, within 45 days after the vote, provide to the  
561 representative's respective school board an explanation in writing of the representative's vote  
562 and the reasons for the vote.

563 (8) (a) The assessor of each county in which the agency is located shall provide a  
564 written report to the taxing entity committee stating, with respect to property within each  
565 project area:

566 (i) the base taxable value, as adjusted by any adjustments under Section 17B-4-1006;  
567 and

568 (ii) the assessed value.

569 (b) With respect to the information required under Subsection (8)(a), the assessor shall  
570 provide:

571 (i) actual amounts for each year from the adoption of the project area plan to the time  
572 of the report; and

573 (ii) estimated amounts for each year beginning the year after the time of the report and  
574 ending the time that the agency expects no longer to be paid tax increment from property  
575 within the project area.

576 (c) The assessor of the county in which the agency is located shall provide a report  
577 under this Subsection (8):

578 (i) at least annually; and

579 (ii) upon request of the taxing entity committee, before a taxing entity committee  
580 meeting at which the committee will consider whether to allow the agency to be paid tax  
581 increment or to increase the amount or length of time that the agency may be paid tax  
582 increment.

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**Legislative Review Note**

**as of 2-7-05 1:01 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0307**

**Redevelopment Agency Changes**

*16-Feb-05*

*2:00 PM*

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**State Impact**

Passage of this bill could enhance local revenues over time. There is also the potential that the supply of redevelopment properties will decrease over time.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**