

1 **REVISIONS TO REDEVELOPMENT AGENCY**

2 **PROVISIONS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: John Dougall

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies and reorganizes provisions relating to redevelopment agencies.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ rewrites and reorganizes redevelopment agency provisions and repeals and amends
14 existing provisions, repeals some provisions, and enacts some provisions;

15 ▶ changes terminology from redevelopment agency to community development and
16 renewal agency and from redevelopment to urban renewal;

17 ▶ eliminates education housing development as one of the types of projects that an
18 agency may undertake;

19 ▶ authorizes agencies to undertake community development;

20 ▶ modifies some definitions and adds new definitions that are applicable to
21 community development and renewal agencies;

22 ▶ provides that actions taken under community development and renewal statutory
23 provisions are not subject to land use statutory provisions;

24 ▶ authorizes an agency to change its name;

25 ▶ authorizes a county, city, or town to authorize an agency to conduct activities in a
26 project area that includes an area within the boundaries of the county, city, or town;

27 ▶ eliminates a notice requirement before a public entity may become obligated to
28 make required improvements in connection with a project area plan;

29 ▶ clarifies that a public entity's grant or contribution of funds to an agency is not

30 subject to provisions relating to municipal appropriations and acquisitions and disposals of
31 property;

32 ▶ modifies publication of notice requirements relating to the sale or other disposition
33 of agency property;

34 ▶ authorizes agencies to receive and use sales tax from other taxing entities, in
35 addition to tax increment;

36 ▶ authorizes an agency undertaking a community development project to negotiate
37 with other taxing entities and to receive tax increment and sales tax revenues from
38 those other entities as those other entities agree;

39 ▶ modifies the applicability of a requirement to create a taxing entity committee so
40 that it applies only to urban renewal and economic development projects;

41 ▶ modifies the number of taxing entity committee members needed for the committee
42 to take action;

43 ▶ authorizes an agency to call a meeting of the taxing entity committee and imposes
44 requirements on the notice that must be sent to do so;

45 ▶ prohibits a taxing entity committee from voting on a proposed urban renewal or
46 economic development budget or budget amendment at the first meeting to consider
47 the budget or amendment unless all members present consent;

48 ▶ prohibits a second meeting on a budget or budget amendment from being within a
49 certain number of days after the first meeting;

50 ▶ requires a taxing entity committee to meet annually;

51 ▶ replaces the county assessor with the county auditor in a provision requiring a
52 written report to the taxing entity committee;

53 ▶ enacts language allowing additional tax increment to be used under a pre-July 1,
54 1993 project area plan for a convention center or sports complex if construction of
55 the center or complex has begun before June 30, 2002;

56 ▶ provides that an agency may, in a budget adopted after the effective date of this bill,
57 provide for the agency to be paid any amount of tax increment and for any period of

- 58 time, subject to taxing entity committee approval;
- 59 ▶ modifies limitations on the use of tax increment involving the development of retail
- 60 sales;
- 61 ▶ provides for the permissible uses of sales tax received by an agency;
- 62 ▶ modifies a prohibition against using tax increment for a stadium or arena;
- 63 ▶ modifies a provision allowing an agency to pay agency funds to other taxing entities
- 64 to allow a taxing entity to withhold its portion of tax increment used to pay other
- 65 taxing entities if the agency does not pay all taxing entities proportionally equal
- 66 amounts;
- 67 ▶ requires the value of property with respect to which a taxing entity receives taxes or
- 68 increased taxes for the first time to be counted as new growth;
- 69 ▶ repeals provisions relating to relocation plans for families and persons displaced
- 70 from a project area;
- 71 ▶ shortens the time for a person to contest a project area plan or budget;
- 72 ▶ eliminates a provision prohibiting implementation of a project area plan after three
- 73 years unless the plan is readopted;
- 74 ▶ modifies provisions relating to a challenge of a finding of blight;
- 75 ▶ modifies provisions relating to an amendment of a project area plan;
- 76 ▶ narrows a provision prohibiting the adoption of a budget that exceeds certain limits
- 77 to apply to only urban renewal projects;
- 78 ▶ modifies a provision relating to the waiver of a requirement that a percentage of tax
- 79 increment funds be used for housing;
- 80 ▶ modifies a provision defining blight;
- 81 ▶ modifies the requirements applicable to a blight study;
- 82 ▶ modifies the standards that apply to a district court review of a finding of blight;
- 83 ▶ modifies the hearings required for an urban renewal and economic development
- 84 project;
- 85 ▶ modifies the class of property owners to which notice is required to be given;

- 86 ▶ modifies provisions relating to notice that an agency is required to provide;
- 87 ▶ establishes separate provisions for urban renewal, economic development, and
- 88 community development with respect to plan adoption, requirements, and
- 89 amendments;
- 90 ▶ repeals provisions relating to property owner participation in development in a
- 91 project area;
- 92 ▶ repeals a provision limiting the size of a project area;
- 93 ▶ repeals a provision requiring the preparation of a statement of property owner
- 94 rights;
- 95 ▶ repeals a provision prohibiting an agency from acquiring property on which an
- 96 existing building is to be continued on its present site and in its present form unless
- 97 certain conditions are met; and
- 98 ▶ makes technical changes.

99 **Monies Appropriated in this Bill:**

100 None

101 **Other Special Clauses:**

102 None

103 **Utah Code Sections Affected:**

104 AMENDS:

- 105 **9-4-704**, as last amended by Chapter 90, Laws of Utah 2004
- 106 **10-3-1303**, as last amended by Chapter 133, Laws of Utah 2001
- 107 **11-25-2**, as enacted by Chapter 276, Laws of Utah 1977
- 108 **11-25-3**, as last amended by Chapter 133, Laws of Utah 2001
- 109 **11-25-5**, as last amended by Chapter 105, Laws of Utah 2005
- 110 **11-25-11**, as last amended by Chapter 133, Laws of Utah 2001
- 111 **11-27-2**, as last amended by Chapter 131, Laws of Utah 2003
- 112 **17A-1-403**, as last amended by Chapter 131, Laws of Utah 2003
- 113 **59-2-906.1**, as last amended by Chapter 195, Laws of Utah 2005

- 114 **59-2-924**, as last amended by Chapters 217 and 244, Laws of Utah 2005
- 115 **63F-1-507**, as renumbered and amended by Chapter 169 and last amended by Chapter
- 116 233, Laws of Utah 2005
- 117 **67-1a-6.5**, as enacted by Chapter 233, Laws of Utah 2005

118 ENACTS:

- 119 **17C-1-104**, Utah Code Annotated 1953
- 120 **17C-1-405**, Utah Code Annotated 1953
- 121 **17C-1-406**, Utah Code Annotated 1953
- 122 **17C-1-414**, Utah Code Annotated 1953
- 123 **17C-1-607**, Utah Code Annotated 1953
- 124 **17C-3-101**, Utah Code Annotated 1953
- 125 **17C-3-102**, Utah Code Annotated 1953
- 126 **17C-3-103**, Utah Code Annotated 1953
- 127 **17C-3-104**, Utah Code Annotated 1953
- 128 **17C-3-105**, Utah Code Annotated 1953
- 129 **17C-3-106**, Utah Code Annotated 1953
- 130 **17C-3-107**, Utah Code Annotated 1953
- 131 **17C-3-108**, Utah Code Annotated 1953
- 132 **17C-3-109**, Utah Code Annotated 1953
- 133 **17C-3-201**, Utah Code Annotated 1953
- 134 **17C-3-202**, Utah Code Annotated 1953
- 135 **17C-3-203**, Utah Code Annotated 1953
- 136 **17C-3-204**, Utah Code Annotated 1953
- 137 **17C-3-205**, Utah Code Annotated 1953
- 138 **17C-3-301**, Utah Code Annotated 1953
- 139 **17C-3-302**, Utah Code Annotated 1953
- 140 **17C-3-303**, Utah Code Annotated 1953
- 141 **17C-3-401**, Utah Code Annotated 1953

- 142 **17C-3-402**, Utah Code Annotated 1953
- 143 **17C-3-403**, Utah Code Annotated 1953
- 144 **17C-3-404**, Utah Code Annotated 1953
- 145 **17C-4-101**, Utah Code Annotated 1953
- 146 **17C-4-102**, Utah Code Annotated 1953
- 147 **17C-4-103**, Utah Code Annotated 1953
- 148 **17C-4-104**, Utah Code Annotated 1953
- 149 **17C-4-105**, Utah Code Annotated 1953
- 150 **17C-4-106**, Utah Code Annotated 1953
- 151 **17C-4-107**, Utah Code Annotated 1953
- 152 **17C-4-108**, Utah Code Annotated 1953
- 153 **17C-4-201**, Utah Code Annotated 1953
- 154 **17C-4-202**, Utah Code Annotated 1953
- 155 **17C-4-203**, Utah Code Annotated 1953
- 156 **17C-4-204**, Utah Code Annotated 1953
- 157 **17C-4-301**, Utah Code Annotated 1953
- 158 **17C-4-302**, Utah Code Annotated 1953
- 159 **17C-4-401**, Utah Code Annotated 1953
- 160 **17C-4-402**, Utah Code Annotated 1953

161 RENUMBERS AND AMENDS:

- 162 **17C-1-101**, (Renumbered from 17B-4-101, as enacted by Chapter 133, Laws of Utah
- 163 2001)
- 164 **17C-1-102**, (Renumbered from 17B-4-102, as last amended by Chapter 292, Laws of
- 165 Utah 2005)
- 166 **17C-1-103**, (Renumbered from 17B-4-105, as last amended by Chapter 292, Laws of
- 167 Utah 2005)
- 168 **17C-1-201**, (Renumbered from 17B-4-201, as last amended by Chapter 233, Laws of
- 169 Utah 2005)

170 **17C-1-202**, (Renumbered from 17B-4-202, as last amended by Chapter 292, Laws of
171 Utah 2005)
172 **17C-1-203**, (Renumbered from 17B-4-203, as enacted by Chapter 133, Laws of Utah
173 2001)
174 **17C-1-204**, (Renumbered from 17B-4-204, as enacted by Chapter 133, Laws of Utah
175 2001)
176 **17C-1-205**, (Renumbered from 17B-4-205, as enacted by Chapter 133, Laws of Utah
177 2001)
178 **17C-1-206**, (Renumbered from 17B-4-206, as last amended by Chapter 292, Laws of
179 Utah 2005)
180 **17C-1-207**, (Renumbered from 17B-4-103, as enacted by Chapter 133, Laws of Utah
181 2001)
182 **17C-1-208**, (Renumbered from 17B-4-104, as enacted by Chapter 133, Laws of Utah
183 2001)
184 **17C-1-301**, (Renumbered from 17B-4-301, as enacted by Chapter 133, Laws of Utah
185 2001)
186 **17C-1-302**, (Renumbered from 17B-4-302, as last amended by Chapter 205, Laws of
187 Utah 2002)
188 **17C-1-303**, (Renumbered from 17B-4-303, as enacted by Chapter 133, Laws of Utah
189 2001)
190 **17C-1-401**, (Renumbered from 17B-4-1001, as last amended by Chapter 205, Laws of
191 Utah 2002)
192 **17C-1-402**, (Renumbered from 17B-4-1002, as last amended by Chapter 292, Laws of
193 Utah 2005)
194 **17C-1-403**, (Renumbered from 17B-4-1003, as last amended by Chapter 292, Laws of
195 Utah 2005)
196 **17C-1-404**, (Renumbered from 17B-4-1004, as last amended by Chapter 292, Laws of
197 Utah 2005)

198 **17C-1-407**, (Renumbered from 17B-4-1005, as last amended by Chapter 292, Laws of
199 Utah 2005)

200 **17C-1-408**, (Renumbered from 17B-4-1006, as enacted by Chapter 133, Laws of Utah
201 2001)

202 **17C-1-409**, (Renumbered from 17B-4-1007, as last amended by Chapter 292, Laws of
203 Utah 2005)

204 **17C-1-410**, (Renumbered from 17B-4-1008, as enacted by Chapter 133, Laws of Utah
205 2001)

206 **17C-1-411**, (Renumbered from 17B-4-1009, as enacted by Chapter 133, Laws of Utah
207 2001)

208 **17C-1-412**, (Renumbered from 17B-4-1010, as last amended by Chapters 185 and 205,
209 Laws of Utah 2002)

210 **17C-1-413**, (Renumbered from 17B-4-1011, as enacted by Chapter 133, Laws of Utah
211 2001)

212 **17C-1-501**, (Renumbered from 17B-4-1201, as enacted by Chapter 133, Laws of Utah
213 2001)

214 **17C-1-502**, (Renumbered from 17B-4-1202, as enacted by Chapter 133, Laws of Utah
215 2001)

216 **17C-1-503**, (Renumbered from 17B-4-1203, as enacted by Chapter 133, Laws of Utah
217 2001)

218 **17C-1-504**, (Renumbered from 17B-4-1204, as last amended by Chapter 105, Laws of
219 Utah 2005)

220 **17C-1-505**, (Renumbered from 17B-4-1205, as enacted by Chapter 133, Laws of Utah
221 2001)

222 **17C-1-506**, (Renumbered from 17B-4-1206, as enacted by Chapter 133, Laws of Utah
223 2001)

224 **17C-1-507**, (Renumbered from 17B-4-1207, as enacted by Chapter 133, Laws of Utah
225 2001)

- 226 **17C-1-508**, (Renumbered from 17B-4-1208, as enacted by Chapter 133, Laws of Utah
227 2001)
- 228 **17C-1-601**, (Renumbered from 17B-4-1301, as last amended by Chapter 37, Laws of
229 Utah 2002)
- 230 **17C-1-602**, (Renumbered from 17B-4-1302, as enacted by Chapter 133, Laws of Utah
231 2001)
- 232 **17C-1-603**, (Renumbered from 17B-4-1303, as last amended by Chapter 37, Laws of
233 Utah 2002)
- 234 **17C-1-604**, (Renumbered from 17B-4-1304, as last amended by Chapter 71, Laws of
235 Utah 2005)
- 236 **17C-1-605**, (Renumbered from 17B-4-1305, as enacted by Chapter 133, Laws of Utah
237 2001)
- 238 **17C-1-606**, (Renumbered from 17B-4-1306, as enacted by Chapter 133, Laws of Utah
239 2001)
- 240 **17C-1-701**, (Renumbered from 17B-4-1401, as last amended by Chapter 233, Laws of
241 Utah 2005)
- 242 **17C-2-101**, (Renumbered from 17B-4-401, as enacted by Chapter 133, Laws of Utah
243 2001)
- 244 **17C-2-102**, (Renumbered from 17B-4-402, as last amended by Chapters 254 and 292,
245 Laws of Utah 2005)
- 246 **17C-2-103**, (Renumbered from 17B-4-403, as last amended by Chapter 292, Laws of
247 Utah 2005)
- 248 **17C-2-104**, (Renumbered from 17B-4-405, as enacted by Chapter 133, Laws of Utah
249 2001)
- 250 **17C-2-105**, (Renumbered from 17B-4-406, as last amended by Chapter 205, Laws of
251 Utah 2002)
- 252 **17C-2-106**, (Renumbered from 17B-4-407, as last amended by Chapter 292, Laws of
253 Utah 2005)

254 **17C-2-107**, (Renumbered from 17B-4-408, as enacted by Chapter 133, Laws of Utah
255 2001)
256 **17C-2-108**, (Renumbered from 17B-4-409, as enacted by Chapter 133, Laws of Utah
257 2001)
258 **17C-2-109**, (Renumbered from 17B-4-410, as last amended by Chapter 233, Laws of
259 Utah 2005)
260 **17C-2-110**, (Renumbered from 17B-4-411, as last amended by Chapter 292, Laws of
261 Utah 2005)
262 **17C-2-201**, (Renumbered from 17B-4-501, as enacted by Chapter 133, Laws of Utah
263 2001)
264 **17C-2-202**, (Renumbered from 17B-4-503, as last amended by Chapter 165, Laws of
265 Utah 2004)
266 **17C-2-203**, (Renumbered from 17B-4-504, as last amended by Chapters 139 and 185,
267 Laws of Utah 2002)
268 **17C-2-204**, (Renumbered from 17B-4-505, as last amended by Chapter 185, Laws of
269 Utah 2002)
270 **17C-2-205**, (Renumbered from 17B-4-506, as last amended by Chapter 185, Laws of
271 Utah 2002)
272 **17C-2-206**, (Renumbered from 17B-4-507, as last amended by Chapter 292, Laws of
273 Utah 2005)
274 **17C-2-301**, (Renumbered from 17B-4-602, as last amended by Chapter 292, Laws of
275 Utah 2005)
276 **17C-2-302**, (Renumbered from 17B-4-603, as last amended by Chapter 292, Laws of
277 Utah 2005)
278 **17C-2-303**, (Renumbered from 17B-4-604, as last amended by Chapter 292, Laws of
279 Utah 2005)
280 **17C-2-304**, (Renumbered from 17B-4-605, as last amended by Chapter 292, Laws of
281 Utah 2005)

282 **17C-2-401**, (Renumbered from 17B-4-801, as enacted by Chapter 133, Laws of Utah
283 2001)

284 **17C-2-402**, (Renumbered from 17B-4-802, as last amended by Chapter 205, Laws of
285 Utah 2002)

286 **17C-2-403**, (Renumbered from 17B-4-705, as last amended by Chapter 205, Laws of
287 Utah 2002)

288 **17C-2-501**, (Renumbered from 17B-4-701, as enacted by Chapter 133, Laws of Utah
289 2001)

290 **17C-2-502**, (Renumbered from 17B-4-702, as last amended by Chapter 205, Laws of
291 Utah 2002)

292 **17C-2-503**, (Renumbered from 17B-4-703, as last amended by Chapter 205, Laws of
293 Utah 2002)

294 **17C-2-504**, (Renumbered from 17B-4-704, as enacted by Chapter 133, Laws of Utah
295 2001)

296 **17C-2-505**, (Renumbered from 17B-4-502, as enacted by Chapter 133, Laws of Utah
297 2001)

298 REPEALS:

299 **17B-4-404**, as last amended by Chapter 256, Laws of Utah 2003

300 **17B-4-601**, as last amended by Chapter 292, Laws of Utah 2005

301 **17B-4-901**, as enacted by Chapter 133, Laws of Utah 2001

302 **17B-4-902**, as enacted by Chapter 133, Laws of Utah 2001

303 **17B-4-1101**, as last amended by Chapter 292, Laws of Utah 2005

304 **17B-4-1104**, as enacted by Chapter 133, Laws of Utah 2001

305

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

307 Section 1. Section **9-4-704** is amended to read:

308 **9-4-704. Distribution of fund moneys.**

309 (1) The executive director shall:

310 (a) make grants and loans from the fund for any of the activities authorized by Section
311 9-4-705, as directed by the board;

312 (b) establish the criteria with the approval of the board by which loans and grants will
313 be made; and

314 (c) determine with the approval of the board the order in which projects will be funded.

315 (2) The executive director shall distribute, as directed by the board, any federal moneys
316 contained in the fund according to the procedures, conditions, and restrictions placed upon the
317 use of those moneys by the federal government.

318 (3) (a) The executive director shall distribute, as directed by the board, any funds
319 received pursuant to Section [~~17B-4-1010~~] 17C-1-412 to pay the costs of providing income
320 targeted housing within the community that created the [~~redevelopment agency under Title~~
321 ~~17B, Chapter 4, Redevelopment Agencies Act~~] community development and renewal agency
322 under Title 17C, Limited Purpose Local Government Entities - Community Development and
323 Renewal Agencies.

324 (b) As used in Subsection (3)(a):

325 (i) "Community" has the meaning as defined in [~~Subsection 17B-4-102(10)~~] Section
326 17C-1-102.

327 (ii) "Income targeted housing" has the meaning as defined in [~~Subsection~~
328 ~~17B-4-1010(1)~~] Section 17C-1-102.

329 (4) Except federal money and money received under Section [~~17B-4-1010~~] 17C-1-412,
330 the executive director shall distribute, as directed by the board, all other moneys from the fund
331 according to the following requirements:

332 (a) Not less than 30% of all fund moneys shall be distributed to rural areas of the state.

333 (b) At least 50% of the moneys in the fund shall be distributed as loans to be repaid to
334 the fund by the entity receiving them.

335 (i) (A) Of the fund moneys distributed as loans, at least 50% shall be distributed to
336 benefit persons whose annual income is at or below 50% of the median family income for the
337 state.

338 (B) The remaining loan moneys shall be distributed to benefit persons whose annual
339 income is at or below 80% of the median family income for the state.

340 (ii) The executive director or his designee shall lend moneys in accordance with this
341 Subsection (4) at a rate based upon the borrower's ability to pay.

342 (c) Any fund moneys not distributed as loans shall be distributed as grants.

343 (i) At least 90% of the fund moneys distributed as grants shall be distributed to benefit
344 persons whose annual income is at or below 50% of the median family income for the state.

345 (ii) The remaining fund moneys distributed as grants may be used by the executive
346 director to obtain federal matching funds or for other uses consistent with the intent of this part,
347 including the payment of reasonable loan servicing costs, but no more than 3% of the revenues
348 of the fund may be used to offset other department or board administrative expenses.

349 (5) The executive director may with the approval of the board:

350 (a) enact rules to establish procedures for the grant and loan process by following the
351 procedures and requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act;
352 and

353 (b) service or contract, pursuant to Title 63, Chapter 56, Utah Procurement Code, for
354 the servicing of loans made by the fund.

355 Section 2. Section **10-3-1303** is amended to read:

356 **10-3-1303. Definitions.**

357 As used in this part:

358 (1) "Appointed officer" means any person appointed to any statutory office or position
359 or any other person appointed to any position of employment with a city or with a
360 [~~redevelopment agency under Title 17B, Chapter 4, Redevelopment Agencies Act~~] community
361 development and renewal agency under Title 17C, Limited Purpose Local Government Entities
362 - Community Development and Renewal Agencies. Appointed officers include, but are not
363 limited to, persons serving on special, regular, or full-time committees, agencies, or boards
364 whether or not such persons are compensated for their services. The use of the word "officer"
365 in this part is not intended to make appointed persons or employees "officers" of the

366 municipality.

367 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
368 aid, advise, furnish information to, or otherwise provide assistance to a person or business
369 entity, believing that such action is of help, aid, advice, or assistance to such person or business
370 entity and with the intent to assist such person or business entity.

371 (3) "Business entity" means a sole proprietorship, partnership, association, joint
372 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
373 a business.

374 (4) "Compensation" means anything of economic value, however designated, which is
375 paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone
376 other than the governmental employer for or in consideration of personal services, materials,
377 property, or any other thing whatsoever.

378 (5) "Elected officer" means any person elected or appointed to the office of mayor,
379 commissioner, or council member.

380 (6) "Improper disclosure" means disclosure of private, controlled, or protected
381 information to any person who does not have both the right and the need to receive the
382 information.

383 (7) "Municipal employee" means a person who is not an elected or appointed officer
384 who is employed on a full or part-time basis by a municipality or by a ~~redevelopment agency~~
385 ~~under Title 17B, Chapter 4, Redevelopment Agencies Act~~ community development and
386 renewal agency under Title 17C, Limited Purpose Local Government Entities - Community
387 Development and Renewal Agencies.

388 (8) "Private, controlled, or protected information" means information classified as
389 private, controlled, or protected under Title 63, Chapter 2, Government Records Access and
390 Management Act or other applicable provision of law.

391 (9) "Substantial interest" means the ownership, either legally or equitably, by an
392 individual, his spouse, or his minor children, of at least 10% of the outstanding shares of a
393 corporation or 10% interest in any other business entity.

394 Section 3. Section **11-25-2** is amended to read:

395 **11-25-2. Legislative findings -- Liberal construction.**

396 The legislature finds and declares that it is necessary for the welfare of the state and its
397 inhabitants that [~~redevelopment~~] community development and renewal agencies be authorized
398 within cities, towns or counties, or cities or towns and counties to make long-term, low-interest
399 loans to finance residential rehabilitation in selected residential areas in order to encourage the
400 upgrading of property in those areas. Unless such agencies provide some form of assistance to
401 finance residential rehabilitation, many residential areas will deteriorate at an accelerated pace.
402 This act shall be liberally construed to effect its purposes.

403 Section 4. Section **11-25-3** is amended to read:

404 **11-25-3. Definitions.**

405 As used in this act:

406 (1) "Bonds" mean any bonds, notes, interim certificates, debentures, or other
407 obligations issued by an agency pursuant to this part and which are payable exclusively from
408 the revenues, as defined in Subsection (9), and from any other funds specified in this part upon
409 which the bonds may be made a charge and from which they are payable.

410 (2) "Citizen participation" means action by the agency to provide persons who will be
411 affected by residential rehabilitation financed under the provisions of this part with
412 opportunities to be involved in planning and carrying out the residential rehabilitation program.
413 "Citizen participation" shall include, but not be limited to, all of the following:

414 (a) Holding a public meeting prior to considering selection of the area for designation.

415 (b) Consultation with representatives of owners of property in, and residents of, a
416 residential rehabilitation area, in developing plans for public improvements and
417 implementation of the residential rehabilitation program.

418 (c) Dissemination of information relating to the time and location of meetings,
419 boundaries of the proposed residential rehabilitation area, and a general description of the
420 proposed residential rehabilitation program.

421 Public meetings and consultations shall be conducted by an official designated by the

422 agency. Public meetings shall be held at times and places convenient to residents and property
423 owners.

424 (3) "Financing" means the lending of moneys or any other thing of value for the
425 purpose of residential rehabilitation.

426 (4) "Agency" means a ~~[redevelopment]~~ community development and renewal agency
427 functioning pursuant to ~~[Title 17B, Chapter 4, Redevelopment Agencies Act]~~ Title 17C,
428 Limited Purpose Local Government Entities - Community Development and Renewal
429 Agencies.

430 (5) "Participating party" means any person, company, corporation, partnership, firm,
431 agency, political subdivision of the state, or other entity or group of entities requiring financing
432 for residential rehabilitation pursuant to the provisions of this part. No elective officer of the
433 state or any of its political subdivisions shall be eligible to be a participating party under the
434 provision of this part.

435 (6) "Residential rehabilitation" means the construction, reconstruction, renovation,
436 replacement, extension, repair, betterment, equipping, developing, embellishing, or otherwise
437 improving residences consistent with standards of strength, effectiveness, fire resistance,
438 durability, and safety, so that the structures are satisfactory and safe to occupy for residential
439 purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile
440 delinquency, or crime because of any one or more of the following factors:

441 (a) defective design and character of physical construction;

442 (b) faulty interior arrangement and exterior spacing;

443 (c) high density of population and overcrowding;

444 (d) inadequate provision for ventilation, light, sanitation, open spaces, and recreation
445 facilities;

446 (e) age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses;

447 and

448 (f) economic dislocation, deterioration, or disuse, resulting from faulty planning.

449 (7) "Residence" means a residential structure in residential rehabilitation areas. It also

450 means a commercial structure which, in the judgment of the agency, is an integral part of a
451 residential neighborhood.

452 (8) "Rehabilitation standards" mean the applicable local or state standards for the
453 rehabilitation of buildings located in residential rehabilitation areas, including any higher
454 standards adopted by the agency as part of its residential rehabilitation financing program.

455 (9) "Revenues" mean all amounts received as repayment of principal, interest, and all
456 other charges received for, and all other income and receipts derived by, the agency from the
457 financing of residential rehabilitation, including moneys deposited in a sinking, redemption, or
458 reserve fund or other fund to secure the bonds or to provide for the payment of the principal of,
459 or interest on, the bonds and such other moneys as the legislative body may, in its discretion,
460 make available therefor.

461 (10) "Residential rehabilitation area" means the geographical area designated by the
462 agency as one for inclusion in a comprehensive residential rehabilitation financing program
463 pursuant to the provisions of this act.

464 Section 5. Section **11-25-5** is amended to read:

465 **11-25-5. Bonds or notes -- Issuance -- Purposes -- Payment -- Maturity of bond**
466 **anticipation notes.**

467 An agency may, from time to time, issue its negotiable bonds or notes for the purpose
468 of financing residential rehabilitation as authorized by this act and for the purpose of funding or
469 refunding these bonds or notes in the same manner as it may issue other bonds or notes as
470 provided in [~~Title 17B, Chapter 4, Part 12, Bonds~~] Title 17C, Chapter 1, Part 5, Agency Bonds.
471 Every issue of its bonds shall be a special obligation of the agency payable from all or any part
472 of the revenues specified in the act or funds legally received by the agency. In anticipation of
473 the sale of the bonds, the agency may issue negotiable bond anticipation notes in accordance
474 with Section 11-14-311, and may renew such notes from time to time. Bond anticipation notes
475 may be paid from the proceeds of sale of the bonds of the agency in anticipation of which they
476 were issued. Bond anticipation notes and agreements relating thereto and the resolution or
477 resolutions authorizing the notes and agreements may obtain any provisions, conditions, or

478 limitations which a bond, agreement relating thereto, or bond resolution of the agency may
479 contain except that any note or renewal thereof shall mature at a time not later than five years
480 from the date of the issuance of the original note.

481 Section 6. Section **11-25-11** is amended to read:

482 **11-25-11. Comprehensive financing program ordinance -- Contents.**

483 Prior to the issuance of any bonds or bond anticipation notes of the agency for
484 residential rehabilitation, the agency shall by ordinance adopt a comprehensive residential
485 rehabilitation financing program, including:

486 (1) Criteria for selection of residential rehabilitation areas by the agency including
487 findings by the agency that:

488 (a) There are a substantial number of deteriorating structures in the area which do not
489 conform to community standards for decent, safe, sanitary housing.

490 (b) Financial assistance from the agency for residential rehabilitation is necessary to
491 arrest the deterioration of the area.

492 (c) Financing of residential rehabilitation in the area is economically feasible. These
493 findings are not required, however, when the residential rehabilitation area is located within the
494 boundaries of a project area covered by [a] an urban renewal project area [~~redevelopment~~] plan
495 adopted in accordance with Section [~~17B-4-408~~] 17C-2-107.

496 (2) Procedures for selection of residential rehabilitation areas by the agency including:

497 (a) Provisions for citizen participation in selection of residential rehabilitation areas.

498 (b) Provisions for a public hearing by the agency prior to selection of any particular
499 residential rehabilitation area.

500 (3) A commitment that rehabilitation standards will be enforced on each residence for
501 which financing is provided.

502 (4) Guidelines for financing residential rehabilitation which shall be subject to the
503 following limitations:

504 (a) Outstanding loans on the property to be rehabilitated including the amount of the
505 loans for rehabilitation, shall not exceed 80% of the anticipated after-rehabilitation value of the

506 property to be rehabilitated, except that the agency may authorize loans of up to 95% of the
507 anticipated after-rehabilitation value of the property if loans are made for the purpose of
508 rehabilitating the property for residential purposes, there is demonstrated need for such higher
509 limit, and there is a high probability that the value of the property will not be impaired during
510 the term of the loan.

511 (b) The maximum repayment period for residential rehabilitation loans shall be 20
512 years or 3/4 of the economic life of the property, whichever is less.

513 (c) The maximum amount loan for rehabilitation for each dwelling unit and for each
514 commercial unit which is, or is part of a "residence" as defined in this chapter, shall be
515 established by resolution of the agency.

516 Section 7. Section **11-27-2** is amended to read:

517 **11-27-2. Definitions.**

518 As used in this chapter:

519 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of
520 refunding outstanding bonds in advance of their maturity.

521 (2) "Assessments" means a special tax levied against property within a special
522 improvement district to pay all or a portion of the costs of making improvements in the district.

523 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,
524 special improvement bond, or refunding bond.

525 (4) "General obligation bond" means any bond, note, warrant, certificate of
526 indebtedness, or other obligation of a public body payable in whole or in part from revenues
527 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any
528 applicable constitutional or statutory debt limitation.

529 (5) "Governing body" means the council, commission, county legislative body, board
530 of directors, board of trustees, board of education, board of regents, or other legislative body of
531 a public body designated in this chapter that is vested with the legislative powers of the public
532 body, and, with respect to the state, the State Bonding Commission created by Section
533 63B-1-201.

534 (6) "Government obligations" means:

535 (a) direct obligations of the United States of America, or other securities, the principal
536 of and interest on which are unconditionally guaranteed by the United States of America; or

537 (b) obligations of any state, territory, or possession of the United States, or of any of
538 the political subdivisions of any state, territory, or possession of the United States, or of the
539 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

540 (7) "Issuer" means the public body issuing any bond or bonds.

541 (8) "Public body" means the state or any agency, authority, instrumentality, or
542 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,
543 agency, school district, special district, or other governmental entity now or hereafter existing
544 under the laws of the state.

545 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
546 purpose of refunding outstanding bonds.

547 (10) "Resolution" means a resolution of the governing body of a public body taking
548 formal action under this chapter.

549 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
550 other obligation for the payment of money issued by a public body or any predecessor of any
551 public body and that is payable from designated revenues not derived from ad valorem taxes or
552 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all
553 of the following:

554 (a) any obligation constituting an indebtedness within the meaning of any applicable
555 constitutional or statutory debt limitation;

556 (b) any obligation issued in anticipation of the collection of taxes, where the entire
557 issue matures not later than one year from the date of the issue; and

558 (c) any special improvement bond.

559 (12) "Special improvement bond" means any bond, note, warrant, certificate of
560 indebtedness, or other obligation of a public body or any predecessor of any public body that is
561 payable from assessments levied on benefitted property and from any special improvement

562 guaranty fund.

563 (13) "Special improvement guaranty fund" means any special improvement guaranty
564 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
565 Title 17A, Chapter 3, Part 2, County Improvement Districts Act; or any predecessor or similar
566 statute.

567 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
568 or other obligation of a public body issued under authority of Title 17A, Chapter 2, Part 16,
569 Great Salt Lake Development Authority, or any similar statutes, including [~~Title 17B, Chapter~~
570 ~~4, Redevelopment Agencies Act~~] Title 17C, Limited Purpose Local Government Entities -
571 Community Development and Renewal Agencies.

572 Section 8. Section **17A-1-403** is amended to read:

573 **17A-1-403. Applicability to special districts -- Exceptions.**

574 This part applies to all special districts under Subsection 17A-1-404(19) except the
575 following districts which are specifically excluded from this part:

576 (1) [~~redevelopment~~] community development and renewal agencies created under
577 [~~Title 17B, Chapter 4~~] Title 17C, Limited Purpose Local Government Entities - Community
578 Development and Renewal Agencies;

579 (2) public transit districts created under Chapter 2, Part 10;

580 (3) health departments created under Title 26A, Chapter 1; and

581 (4) entities created under Title 11, Chapter 13, Interlocal Cooperation Act, unless the
582 entity is also a mental health district created under Chapter 3, Part 6, Local Mental Health
583 Authorities.

584 Section 9. Section **17C-1-101**, which is renumbered from Section 17B-4-101 is
585 renumbered and amended to read:

586 **TITLE 17C. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES -**

587 **COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES**

588 **CHAPTER 1. GENERAL PROVISIONS**

589 **Part 1. Definitions and Other General Provisions**

590 ~~[17B-4-101].~~ 17C-1-101. Title.

591 This ~~[chapter]~~ title is known as ~~[the "Redevelopment Agencies Act.]"~~ "Limited Purpose
592 Local Government Entities - Community Development and Renewal Agencies."

593 Section 10. Section 17C-1-102, which is renumbered from Section 17B-4-102 is
594 renumbered and amended to read:

595 ~~[17B-4-102].~~ 17C-1-102. Definitions.

596 As used in this title:

597 (1) "Adjusted tax increment" means:

598 (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under
599 Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

600 (b) for tax increment under a post-June 30, 1993 project area plan, tax increment under
601 Section 17C-1-404, excluding tax increment under Section 17C-1-406.

602 (2) "Affordable housing" means housing to be owned or occupied by persons and
603 families of low or moderate income, as determined by resolution of the agency.

604 ~~[(1)]~~ (3) "Agency" or "community development and renewal agency" means a separate
605 body corporate and politic, created under Section ~~[17B-4-201]~~ 17C-1-201 or as a
606 redevelopment agency under previous law, that is a political subdivision of the state, that is
607 created to undertake or promote ~~[redevelopment]~~ urban renewal, economic development, or
608 ~~[education housing]~~ community development, or any combination of them, as provided in this
609 ~~[chapter]~~ title, and whose geographic boundaries are coterminous with:

610 (a) for an agency created by a county, the unincorporated area of the county; and

611 (b) for an agency created by a city or town, the boundaries of the city or town.

612 ~~[(2) "Assessment property owner" or "assessment owner of property" means the owner~~
613 ~~of real property as shown on the assessment roll of the county in which the property is located;~~
614 ~~equalized as of the previous November 1.]~~

615 (4) "Annual income" has the meaning as defined under regulations of the U.S.
616 Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as
617 superseded by replacement regulations.

618 [~~3~~] (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

619 [~~4~~] (6) "Base taxable value" means the taxable value of the property within a project
620 area from which tax increment will be collected, as shown upon the assessment roll last
621 equalized before:

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

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

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

626 (ii) if no taxing entity committee approval is required for the project area budget, the
627 later of:

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

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

630 (7) "Basic levy" means the portion of a school district's tax levy constituting the
631 minimum basic levy under Section 59-2-902.

632 [~~5~~] (8) "Blight" or "blighted" means the condition of an area that meets the
633 requirements of Subsection [~~17B-4-604~~] 17C-2-303(1).

634 [~~6~~] (9) "Blight hearing" means a public hearing under Subsection [~~17B-4-601~~]
635 17C-2-102(1)(c) (a)(iii) and Section [~~17B-4-603~~] 17C-2-302 regarding the existence or
636 nonexistence of blight within the proposed [~~redevelopment~~] urban renewal project area.

637 [~~7~~] (10) "Blight study" means a study to determine the existence or nonexistence of
638 blight within a survey area as provided in Section [~~17B-4-602~~] 17C-2-301.

639 [~~8~~] (11) "Board" means the governing body of an agency, as provided in Section
640 [~~17B-4-203~~] 17C-1-203.

641 [~~9~~] (12) "Budget hearing" means the public hearing on a draft project area budget
642 required under Subsection [~~17B-4-501~~] 17C-2-201(2)(c) (d) for an urban renewal project area
643 budget or Subsection 17C-3-201(2)(d) for an economic development project area budget.

644 (13) "Combined incremental value" means the combined total of all incremental values
645 from all urban renewal project areas, except a military installation project area, within the

646 agency's boundaries under adopted project area plans and adopted project area budgets at the
647 time that a project area budget for a new urban renewal project area is being considered.

648 ~~[(10)]~~ (14) "Community" means a county, city, or town.

649 (15) "Community development" means development activities within a community,
650 including the encouragement, promotion, or provision of development.

651 ~~[(11)]~~ (16) "Economic development" means to promote the creation or retention of
652 public or private jobs within the state through:

653 (a) planning, design, development, construction, rehabilitation, business relocation, or
654 any combination of these, within ~~[part or all of a project area]~~ a community; and

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

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

659 (17) "Fair share ratio" means the ratio derived by:

660 (a) for a city or town, comparing the percentage of all housing units within the city or
661 town that are publicly subsidized income targeted housing units to the percentage of all
662 housing units within the whole county that are publicly subsidized income targeted housing
663 units; or

664 (b) for the unincorporated part of a county, comparing the percentage of all housing
665 units within the unincorporated county that are publicly subsidized income targeted housing
666 units to the percentage of all housing units within the whole county that are publicly subsidized
667 income targeted housing units.

668 (18) "Family" has the meaning as defined under regulations of the U.S. Department of
669 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by
670 replacement regulations.

671 (19) "Greenfield" means land not developed beyond agricultural or forestry use.

672 (20) "Housing funds" means the funds allocated in an urban renewal project area
673 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

674 (21) "Income targeted housing" means housing to be owned or occupied by a family
675 whose annual income is at or below 80% of the median annual income for the county in which
676 the housing is located.

677 (22) "Incremental value" means a figure derived by multiplying the marginal value of
678 the property located within an urban renewal project area on which tax increment is collected
679 by a number that represents the percentage of adjusted tax increment from that project area that
680 is paid to the agency.

681 ~~[(13)]~~ (23) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
682 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

683 (24) "Marginal value" means the difference between actual taxable value and base
684 taxable value.

685 (25) "Military installation project area" means a project area or a portion of a project
686 area located within a federal military installation ordered closed by the federal Defense Base
687 Realignment and Closure Commission.

688 ~~[(14)]~~ (26) "Plan hearing" means the public hearing on a draft project area plan
689 required under Subsection ~~[17B-4-402(1)(e)]~~ 17C-2-102(1)(a)(viii) for an urban renewal
690 project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan,
691 and Subsection 17C-4-102(1)(d) for a community development project area plan.

692 ~~[(15)]~~ (27) "Post-June 30, 1993 project area plan" means a ~~[redevelopment, economic~~
693 ~~development, or education housing development]~~ project area plan adopted on or after July 1,
694 1993, whether or not amended subsequent to its adoption.

695 ~~[(16)]~~ (28) "Pre-July 1, 1993 project area plan" means a ~~[redevelopment]~~ project area
696 plan adopted before July 1, 1993, whether or not amended subsequent to its adoption.

697 ~~[(17)]~~ (29) "Private," with respect to real property, means:

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

700 (b) not dedicated to public use.

701 ~~[(18)]~~ (30) "Project area" means the geographic area described in a project area plan or

702 draft project area plan where the [~~redevelopment~~] urban renewal, economic development, or
703 [~~education housing~~] community development, ~~as the case may be~~, set forth in the project area
704 plan or draft project area plan takes place or is proposed to take place.

705 [~~(19)~~] (31) "Project area budget" means a multiyear projection of annual or cumulative
706 revenues and expenses and other fiscal matters pertaining to a [~~redevelopment,~~] urban renewal
707 or economic development[~~, or education housing development~~] project area that includes:

- 708 (a) the base taxable value of property in the project area;
- 709 (b) the projected tax increment expected to be generated within the project area;
- 710 (c) the amount of tax increment expected to be shared with other taxing entities;
- 711 (d) the amount of tax increment expected to be used to implement the project area plan,
712 including the estimated amount of tax increment to be used for land acquisition, public
713 improvements, infrastructure improvements, and loans, grants, or other incentives to private
714 and public entities;

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

717 (f) if the area from which tax increment is to be collected is less than the entire project
718 area[;];

719 (i) the tax identification numbers of the parcels from which tax increment will be
720 collected; or

721 (ii) a legal description of the portion of the project area from which tax increment will
722 be collected; and

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

725 [~~(20)~~] (32) "Project area plan" means a written plan under Part 4, Project Area Plan,
726 that, after its effective date, guides and controls the [~~redevelopment~~] urban renewal, economic
727 development, or [~~education housing~~] community development activities within [~~the~~] a project
728 area.

729 [~~(21)~~] (33) "Property tax" includes privilege tax and each levy on an ad valorem basis

730 on tangible or intangible personal or real property.

731 ~~[(22)]~~ (34) "Public entity" means:

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

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

735 ~~[(23)]~~ "Public input hearing" means the public hearing required under Subsection
736 ~~17B-4-402(1)(h)(ii)~~ regarding a proposed redevelopment project.]

737 (35) "Publicly owned infrastructure and improvements" means water, sewer, storm
738 drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,
739 walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,
740 and improvements benefitting the public and to be publicly owned or publicly maintained or
741 operated.

742 ~~[(24)]~~ (36) "Record property owner" or "record owner of property" means the owner of
743 real property as shown on the records of the recorder of the county in which the property is
744 located and includes a purchaser under a real estate contract if the contract is recorded in the
745 office of the recorder of the county in which the property is located or the purchaser gives
746 written notice of the real estate contract to the agency.

747 ~~[(26)]~~ (37) "Superfund site":

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

750 (b) includes an area formerly included in the National Priorities List, as described in
751 Subsection ~~[(26)]~~ (38)(a), but removed from the list following remediation that leaves on site
752 the waste that caused the area to be included in the National Priorities List.

753 ~~[(27)]~~ (38) "Survey area" means an area designated by a survey area resolution for
754 study to determine whether one or more ~~[redemption]~~ urban renewal projects within the
755 area are feasible.

756 ~~[(28)]~~ (39) "Survey area resolution" means a resolution adopted by the agency board
757 under Subsection ~~[17B-4-401(1)(a)]~~ 17C-2-101(1)(a) designating a survey area.

758 (40) "Taxable value" means the value of property as shown on the last equalized
759 assessment roll as certified by the county assessor.

760 ~~[(29)]~~ (41) (a) "Tax increment" means, except as provided in Subsection ~~[(29)]~~ (41)(b),
761 the difference between:

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

765 (ii) the amount of property tax revenues that would be generated from that same area
766 using the base taxable value of the property.

767 (b) "Tax increment" does not include taxes levied and collected under Section
768 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

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

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

773 ~~[(30)]~~ (42) "Taxing entity" means a public entity that levies a tax on property within a
774 ~~[project area or proposed project area]~~ community.

775 ~~[(31)]~~ (43) "Taxing entity committee" means a committee representing the interests of
776 taxing entities, created as provided in Section ~~[17B-4-1002]~~ 17C-1-402.

777 (44) "Unincorporated" means not within a city or town.

778 ~~[(25) "Redevelopment"]~~ (45) (a) "Urban renewal" means the development activities
779 under a project area plan within ~~[a redevelopment]~~ an urban renewal project area, including:

780 ~~[(a)]~~ (i) planning, design, development, demolition, clearance, construction,
781 rehabilitation, or any combination of these, of part or all of a project area;

782 ~~[(b)]~~ (ii) the provision of residential, commercial, industrial, public, or other structures
783 or spaces, including recreational and other facilities incidental or appurtenant to them;

784 ~~[(c)]~~ (iii) altering, improving, modernizing, demolishing, reconstructing, or
785 rehabilitating, or any combination of these, existing structures in a project area;

786 [(d)] (iv) providing open space, including streets and other public grounds and space
787 around buildings;

788 [(e)] (v) providing public or private buildings, infrastructure, structures, and
789 improvements; and

790 [(f)] (vi) providing improvements of public or private recreation areas and other public
791 grounds.

792 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before
793 May 1, 2006, if the context requires.

794 Section 11. Section **17C-1-103**, which is renumbered from Section 17B-4-105 is
795 renumbered and amended to read:

796 ~~[17B-4-105].~~ **17C-1-103. Limitations on applicability of title --**
797 **Amendment of previously adopted project area plan.**

798 (1) Nothing in this [chapter] title may be construed to:

799 (a) impose a requirement or obligation on an agency, with respect to a project area plan
800 adopted or an agency action taken, that was not imposed by the law in effect at the time the
801 project area plan was adopted or the action taken;

802 (b) prohibit an agency from taking an action that:

803 (i) was allowed by the law in effect immediately before an applicable amendment to
804 this [chapter] title;

805 (ii) is permitted or required under the project area plan adopted before the amendment;
806 and

807 (iii) is not explicitly prohibited under this [chapter] title;

808 (c) revive any right to challenge any action of the agency that had already expired; or

809 (d) require a project area plan to contain a provision that was not required by the law in
810 effect at the time the project area plan was adopted.

811 (2) (a) A project area plan adopted before an amendment to this [chapter] title becomes
812 effective may be amended as provided in this [chapter] title.

813 (b) Unless explicitly prohibited by this [chapter] title, an amendment under Subsection

814 (2)(a) may include a provision that is allowed under this [chapter] title but that was not
815 required or allowed by the law in effect before the applicable amendment.

816 Section 12. Section **17C-1-104** is enacted to read:

817 **17C-1-104. Actions not subject to land use laws.**

818 (1) An action taken under this title is not subject to Title 10, Chapter 9a, Municipal
819 Land Use, Development, and Management Act or Title 17, Chapter 27a, County Land Use,
820 Development, and Management Act.

821 (2) An ordinance or resolution adopted under this title is not a land use ordinance as
822 defined in Sections 10-9a-103 and 17-27a-103.

823 Section 13. Section **17C-1-201**, which is renumbered from Section 17B-4-201 is
824 renumbered and amended to read:

825 **Part 2. Agency Creation, Powers, and Board**

826 ~~[17B-4-201].~~ **17C-1-201. Creation of agency -- Notice to lieutenant**
827 **governor.**

828 (1) Subject to Subsection (2), a community may, by ordinance adopted by its
829 legislative body, create ~~[an]~~ a community development and renewal agency.

830 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
831 community legislative body shall file with the lieutenant governor a notice of the adoption of
832 the ordinance, with a copy of the ordinance.

833 (b) Upon the lieutenant governor's issuance of the certificate of creation under Section
834 67-1a-6.5, the agency is created and incorporated.

835 (3) An agency may change its name, whether to indicate it is a community
836 development and renewal agency or otherwise, by adopting a resolution setting forth its new
837 name and filing the resolution with the lieutenant governor, the State Tax Commission, the
838 State Board of Education, and the assessor of the county in which the agency is located.

839 Section 14. Section **17C-1-202**, which is renumbered from Section 17B-4-202 is
840 renumbered and amended to read:

841 ~~[17B-4-202].~~ **17C-1-202. Agency powers.**

- 842 (1) ~~[An]~~ A community development and renewal agency may:
- 843 (a) sue and be sued;
- 844 (b) enter into contracts generally;
- 845 (c) buy, obtain an option upon, or otherwise acquire any interest in real or personal
- 846 property;
- 847 (d) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
- 848 personal property;
- 849 (e) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 850 (f) provide for ~~[redevelopment]~~ urban renewal, economic development, and ~~[education~~
- 851 ~~housing]~~ community development as provided in this ~~[chapter]~~ title;
- 852 (g) receive tax increment as provided in this ~~[chapter]~~ title;
- 853 ~~[(h) encourage the continued use of existing buildings in the project area;]~~
- 854 ~~[(†)]~~ (h) if disposing of or leasing land, retain controls or establish restrictions and
- 855 covenants running with the land consistent with the project area plan;
- 856 ~~[(†)]~~ (i) accept financial or other assistance from any public or private source for the
- 857 agency's activities, powers, and duties, and expend any funds so received for any of the
- 858 purposes of this ~~[chapter]~~ title;
- 859 ~~[(k)]~~ (j) borrow money or accept financial or other assistance from the federal
- 860 government, a public entity, or any other source for any of the purposes of this ~~[chapter]~~ title
- 861 and comply with any conditions of ~~[such]~~ the loan or assistance; ~~[and]~~
- 862 ~~[(†)]~~ (k) issue bonds to finance the undertaking of any ~~[redevelopment]~~ urban renewal,
- 863 economic development, or ~~[education housing]~~ community development or for any of the
- 864 agency's other purposes, including:
- 865 (i) reimbursing an advance made by the agency or by a public entity or the federal
- 866 government to the agency;
- 867 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
- 868 (iii) refunding bonds to pay or retire bonds previously issued by the community that
- 869 created the agency for expenses associated with ~~[a redevelopment]~~ an urban renewal, economic

870 development, or ~~[education housing]~~ community development project; and

871 ~~[(m)]~~ (l) transact other business and exercise all other powers provided for in this
872 ~~[chapter]~~ title.

873 (2) The establishment of controls or restrictions and covenants under Subsection
874 (1)~~(f)~~(h) is a public purpose.

875 Section 15. Section **17C-1-203**, which is renumbered from Section 17B-4-203 is
876 renumbered and amended to read:

877 ~~[17B-4-203]~~. **17C-1-203. Agency board -- Quorum.**

878 (1) The governing body of an agency is a board consisting of the current members of
879 the legislative body of the community that created the agency.

880 (2) A majority of board members constitutes a quorum for the transaction of agency
881 business.

882 (3) An agency board may not adopt a resolution, pass a motion, or take any other
883 official board action without the concurrence of at least a majority of the board members
884 present at a meeting at which a quorum is present.

885 Section 16. Section **17C-1-204**, which is renumbered from Section 17B-4-204 is
886 renumbered and amended to read:

887 ~~[17B-4-204]~~. **17C-1-204. Urban renewal, economic development, and**
888 **community development by an adjoining agency -- Requirements.**

889 (1) An agency or community may, by resolution of its board or legislative body,
890 respectively, authorize ~~[another]~~ an agency to conduct ~~[redevelopment]~~ urban renewal,
891 economic development, or ~~[education housing]~~ community development activities in a project
892 area that includes an area within the authorizing agency's boundaries or within the boundaries
893 of the authorizing community if the project area or community is contiguous to the boundaries
894 of the other agency.

895 (2) If an agency board or community legislative body adopts a resolution under
896 Subsection (1) authorizing another agency to undertake ~~[redevelopment]~~ urban renewal,
897 economic development, or ~~[education housing]~~ community development activities in the

898 authorizing agency's project area or within the boundaries of the authorizing community:

899 (a) the other agency may act in all respects as if the project area were within its own
900 boundaries;

901 (b) the board of the other agency has all the rights, powers, and privileges with respect
902 to the project area as if it were within its own boundaries; and

903 (c) the other agency may be paid tax increment funds to the same extent as if the
904 project area were within its own boundaries.

905 (3) Each project area plan approved by the other agency for the project area that is the
906 subject of a resolution under Subsection (1) shall be ~~[(a) reviewed by the planning~~
907 ~~commission of the community in which the project area is located; and (b)]~~ adopted by
908 ordinance of the legislative body of the community in which the project area is located.

909 Section 17. Section **17C-1-205**, which is renumbered from Section 17B-4-205 is
910 renumbered and amended to read:

911 ~~[17B-4-205].~~ **17C-1-205. Change of project area from one community to**
912 **another.**

913 (1) For purposes of this section:

914 (a) "New agency" means the agency created by the new community.

915 (b) "New community" means the community in which the relocated project area is
916 located after the change in community boundaries takes place.

917 (c) "Original agency" means the agency created by the original community.

918 (d) "Original community" means the community that adopted the project area plan that
919 created the project area that has been relocated.

920 (e) "Relocated" means that a project area under a project area plan adopted by the
921 original community has ceased to be located within that community and has become part of a
922 new community because of a change in community boundaries through:

923 (i) a county or municipal annexation;

924 (ii) the creation of a new county;

925 (iii) a municipal incorporation, consolidation, dissolution, or boundary adjustment; or

926 (iv) any other action resulting in a change in community boundaries.

927 (2) If a project area under a project area plan adopted by a community becomes
928 relocated, the project area shall, for purposes of this ~~chapter~~ title, be considered to remain in
929 the original community until:

930 (a) the new community has created an agency;

931 (b) the original agency has transferred or assigned to the new agency the original
932 agency's real property, rights, indebtedness, obligations, tax increment, and other assets and
933 liabilities related to the relocated project area; ~~and~~

934 (c) the new agency by resolution approves the original agency's project area plan as the
935 project area plan of the new agency; and

936 (d) the new community by ordinance adopts the project area plan that was approved by
937 the new agency.

938 Section 18. Section **17C-1-206**, which is renumbered from Section 17B-4-206 is
939 renumbered and amended to read:

940 ~~[17B-4-206].~~ **17C-1-206. Use of eminent domain prohibited -- Exception.**

941 ~~[(1) An agency may not acquire property or an interest in property from an agency
942 board member or officer unless:]~~

943 ~~[(a) the board member or officer consents; and]~~

944 ~~[(b) the agency uses eminent domain.]~~

945 (1) Except as provided in Subsection (2), an agency may not use eminent domain to
946 acquire property.

947 (2) An agency may use eminent domain to acquire any interest in property that is
948 owned by an agency board member or officer and located within a ~~[redevelopment, economic
949 development, or education housing development]~~ project area, if the board member or officer
950 consents.

951 Section 19. Section **17C-1-207**, which is renumbered from Section 17B-4-103 is
952 renumbered and amended to read:

953 ~~[17B-4-103].~~ **17C-1-207. Public entities may assist with urban renewal,**

954 **economic development, or community development project.**

955 (1) In order to assist and cooperate in the planning, undertaking, construction, or
956 operation of [~~a redevelopment~~] an urban renewal, economic development, or [~~education~~
957 ~~housing~~] community development project located within the area in which it is authorized to
958 act, a public entity may:

959 (a) (i) cause to be furnished adjacent to or in connection with [~~a redevelopment~~] an
960 urban renewal, economic development, or [~~education-housing~~] community development
961 project:

962 (A) parks, playgrounds, or other recreational facilities;

963 (B) community, educational, water, sewer, or drainage facilities; or

964 (C) any other works which the public entity is otherwise empowered to undertake;

965 (ii) furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets,
966 roads, roadways, alleys, sidewalks, or other places [~~over which it has authority~~];

967 (iii) plan or replan, zone or rezone any part of a project area and make any legal
968 exceptions from building regulations and ordinances;

969 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
970 rights of any holder of the bonds;

971 (v) enter into an agreement with another public entity concerning action to be taken
972 pursuant to any of the powers granted in this [~~chapter; and~~] title;

973 (vi) do any and all things necessary to aid or cooperate in the planning or carrying out
974 of [~~a redevelopment~~] an urban renewal, economic development, or [~~education housing~~]
975 community development project; [~~and~~]

976 (vii) in connection with the project area plan, become obligated to the extent
977 authorized and funds have been made available to make required improvements or construct
978 required structures; and

979 (viii) lend, grant, or contribute funds to an agency for an urban renewal, economic
980 development, or community development project; and

981 (b) [~~after~~] 15 days after posting public notice:

982 (i) ~~[(A)]~~ purchase or otherwise acquire property or lease property from an agency; or
 983 ~~[(B)]~~ (ii) sell, grant, convey, or otherwise dispose of the public entity's property or
 984 lease the public entity's property to an agency[;].

985 ~~[(ii) in connection with the project area plan, become obligated to the extent authorized~~
 986 ~~and funds have been made available to make required improvements or construct required~~
 987 ~~structures; and]~~

988 ~~[(iii) lend, grant, or contribute funds to an agency for a redevelopment, economic~~
 989 ~~development, or education housing development project.]~~

990 (2) Notwithstanding any law to the contrary, an agreement under Subsection (1)(a)(v)
 991 may extend over any period.

992 (3) A grant or contribution of funds from a public entity to an agency is not subject to
 993 the requirements of Section 10-8-2.

994 Section 20. Section **17C-1-208**, which is renumbered from Section 17B-4-104 is
 995 renumbered and amended to read:

996 ~~[17B-4-104].~~ **17C-1-208. Agency funds to be accounted for separately**
 997 **from community funds.**

998 Agency funds shall be accounted for separately from the funds of the community that
 999 created the agency.

1000 Section 21. Section **17C-1-301**, which is renumbered from Section 17B-4-301 is
 1001 renumbered and amended to read:

1002 **Part 3. Agency property**

1003 ~~[17B-4-301].~~ **17C-1-301. Agency property exempt from taxation --**
 1004 **Exception.**

1005 (1) Agency property acquired or held for purposes of this [chapter] title is declared to
 1006 be public property used for essential public and governmental purposes and, subject to
 1007 Subsection (2), is exempt from all taxes of a public entity.

1008 (2) The exemption in Subsection (1) does not apply to property that the agency leases
 1009 to a lessee that is not entitled to a tax exemption with respect to the property.

1010 Section 22. Section **17C-1-302**, which is renumbered from Section 17B-4-302 is
1011 renumbered and amended to read:

1012 ~~[17B-4-302]~~. **17C-1-302. Agency property exempt from levy and execution**
1013 **sale -- Judgment against community or agency.**

1014 (1) (a) All agency property, including funds the agency owns or holds for purposes of
1015 this ~~chapter~~ title, ~~are~~ is exempt from levy and execution sale, and no execution or judicial
1016 process may issue against agency property. A judgment against an agency may not be a charge
1017 or lien upon agency property.

1018 (b) Subsection (1)(a) does not apply to or limit the right of obligees to pursue any
1019 remedies for the enforcement of any pledge or lien given by an agency on its funds or revenues.

1020 (2) A judgment against the community that created the agency may not be a charge or
1021 lien upon agency property.

1022 (3) A judgment against an agency may not be a charge or lien upon property of the
1023 community that created the agency.

1024 Section 23. Section **17C-1-303**, which is renumbered from Section 17B-4-303 is
1025 renumbered and amended to read:

1026 ~~[17B-4-303]~~. **17C-1-303. Summary of sale or other disposition of agency**
1027 **property -- Publication of summary.**

1028 (1) Upon the agency's sale, conveyance, grant, or other disposition of real property, the
1029 agency shall prepare a summary of the material provisions of the disposition.

1030 (2) Each summary under Subsection (1) shall be a matter of public record.

1031 (3) The agency shall ~~[publish each summary under Subsection (1) at least once in a~~
1032 ~~newspaper of general circulation in the agency's boundaries]~~, no later than one month after the
1033 disposition is concluded;

1034 (a) publish each summary under Subsection (1) at least once in a newspaper of general
1035 circulation in the agency's boundaries; or

1036 (b) if there is no newspaper of general circulation, post the summary in three
1037 conspicuous places within the agency's boundaries.

1038 Section 24. Section **17C-1-401**, which is renumbered from Section 17B-4-1001 is
 1039 renumbered and amended to read:

1040 **Part 4. Tax Increment and Sales Tax**

1041 ~~[17B-4-1001].~~ **17C-1-401. Agency receipt and use of tax increment and**
 1042 **sales tax -- Distribution of tax increment and sales tax.**

1043 (1) An agency may receive and use tax increment and sales tax, as provided in this
 1044 part.

1045 (2) (a) The applicable length of time or number of years for which an agency is to be
 1046 paid tax increment or sales tax under this part shall be measured:

1047 (i) for a pre-July 1, 1993 project area plan, from the first tax year regarding which the
 1048 agency accepts tax increment from the project area; ~~[or]~~

1049 (ii) for a post-June 30, 1993 urban renewal or economic development project area plan,
 1050 from the first tax year for which the agency ~~[is to receive]~~ receives tax increment ~~[as shown in]~~
 1051 under the project area budget~~[-];~~ or

1052 (iii) for a community development project area plan, as indicated in the resolution or
 1053 interlocal agreement of a taxing entity that establishes the agency's right to receive tax
 1054 increment or sales tax.

1055 (b) Tax increment may not be paid to an agency for a tax year prior to the tax year
 1056 following:

1057 (i) for an urban renewal or economic development project area plan, the effective date
 1058 of the project area plan[-]; and

1059 (ii) for a community development project area plan, the effective date of the interlocal
 1060 agreement that establishes the agency's right to receive tax increment.

1061 (3) With respect to a community development project area plan, a taxing entity may, by
 1062 resolution or through interlocal agreement, authorize an agency to be paid any or all of that
 1063 taxing entity's tax increment or sales tax for any period of time.

1064 ~~[(3)]~~ (4) With the written consent of a taxing entity, an agency may be paid tax
 1065 increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer

1066 period of time, or both, than otherwise authorized under this [~~chapter~~] title.

1067 [~~(4)~~] (5) Each county that collects property tax on property within a project area shall
1068 pay and distribute to the agency the tax increment that the agency is entitled to collect under
1069 this [~~chapter~~] title, in the manner and at the time provided in Section 59-2-1365.

1070 Section 25. Section **17C-1-402**, which is renumbered from Section 17B-4-1002 is
1071 renumbered and amended to read:

1072 ~~[17B-4-1002].~~ **17C-1-402. Taxing entity committee.**

1073 (1) Each agency that adopts or proposes to adopt a post-June 30, 1993 urban renewal or
1074 economic development project area plan shall, and any other agency may, cause a taxing entity
1075 committee to be created.

1076 (2) (a) (i) Each taxing entity committee shall be composed of:

1077 (A) two school district representatives appointed as provided in Subsection (2)(a)(ii);

1078 (B) (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives
1079 appointed by resolution of the legislative body of the county in which the agency is located; or

1080 (II) in a county of the first class, one representative appointed by the county executive
1081 and one representative appointed by the legislative body of the county in which the agency is
1082 located;

1083 (C) if the agency was created by a city or town, two representatives appointed by
1084 resolution of the legislative body of that city or town;

1085 (D) one representative appointed by the State Board of Education; and

1086 (E) one representative selected by majority vote of the legislative bodies or governing
1087 boards of all other taxing entities that levy a tax on property within the agency's boundaries, to
1088 represent the interests of those taxing entities on the taxing entity committee.

1089 (ii) (A) If the agency boundaries include only one school district, that school district
1090 shall appoint the two school district representatives under Subsection (2)(a)(i)(A).

1091 (B) If the agency boundaries include more than one school district, those school
1092 districts shall jointly appoint the two school district representatives under Subsection
1093 (2)(a)(i)(A).

1094 (b) (i) Each taxing entity committee representative under Subsection (2)(a) shall be
1095 appointed within 30 days after the agency provides notice of the creation of the taxing entity
1096 committee.

1097 (ii) If a representative is not appointed within the time required under Subsection
1098 (2)(b)(i), the agency board may appoint a person to serve on the taxing entity committee in the
1099 place of the missing representative until that representative is appointed.

1100 (c) (i) A taxing entity committee representative may be appointed for a set term or
1101 period of time, as determined by the appointing authority under Subsection (2)(a)(i).

1102 (ii) Each taxing entity committee representative shall serve until a successor is
1103 appointed and qualified.

1104 (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether
1105 an initial appointment or an appointment to replace an already serving representative, the
1106 appointing authority shall:

1107 (A) notify the agency in writing of the name and address of the newly appointed
1108 representative; and

1109 (B) provide the agency a copy of the resolution making the appointment or, if the
1110 appointment is not made by resolution, other evidence of the appointment.

1111 (ii) Each appointing authority of a taxing entity committee representative under
1112 Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a
1113 representative appointed by that appointing authority.

1114 (3) A taxing entity committee represents all taxing entities regarding [~~a~~] an urban
1115 renewal or economic development project area and may:

1116 (a) cast votes that will be binding on all taxing entities;

1117 (b) negotiate with the agency concerning a draft project area plan;

1118 (c) approve or disapprove a project area budget as provided in Section [~~17B-4-505~~]
1119 17C-2-204 for an urban renewal project area budget and Section 17C-3-203 for an economic
1120 development project area budget;

1121 (d) approve or disapprove amendments to a project area budget as provided in Section

1122 ~~[17B-4-507]~~ 17C-2-206 for an urban renewal project area budget and Section 17C-3-205 for an
 1123 economic development project area budget;

1124 (e) approve exceptions to the limits on the value and size of a project area imposed
 1125 under this ~~[chapter]~~ title;

1126 (f) approve exceptions to the percentage of tax increment and the period of time that
 1127 tax increment is paid to the agency as provided in this ~~[part]~~ title;

1128 (g) approve the use of tax increment for ~~[access and utilities]~~ publicly owned
 1129 infrastructure and improvements outside of ~~[a]~~ an urban renewal or economic development
 1130 project area that the agency and community legislative body determine to be of benefit to the
 1131 urban renewal or economic development project area, as provided in Subsection

1132 ~~[17B-4-1007(1)(a)(ii)(D)]~~ 17C-1-409(1)(a)(iii)(D);

1133 (h) waive the restrictions imposed by Subsection ~~[17B-4-503(2)(a)]~~ 17C-2-202(1); and

1134 (i) give other taxing entity committee approval or consent required or allowed under
 1135 this ~~[chapter]~~ title.

1136 (4) A quorum of a taxing entity committee consists of:

1137 ~~[(a) except as provided in Subsection (4)(b):]~~

1138 ~~[(i)]~~ (a) if the urban renewal or economic development project area is located within a
 1139 city or town, five members; or

1140 ~~[(ii)]~~ (b) if the urban renewal or economic development project area is not located
 1141 within a city or town, four members~~[-or].~~

1142 ~~[(b) for an education housing development project area as to which the school district~~
 1143 ~~has elected under Subsection 17B-4-1004(5) not to allow the agency to be paid tax increment~~
 1144 ~~from school district tax revenues:]~~

1145 ~~[(i) if the project area is located within a city or town, three members; or]~~

1146 ~~[(ii) if the project area is not located within a city or town, two members.]~~

1147 (5) Taxing entity committee approval, consent, or other action requires the affirmative
 1148 vote of ~~[a majority of a quorum]~~ two-thirds of all members present at a taxing entity committee
 1149 meeting at which a quorum is present.

1150 (6) (a) An agency may call a meeting of the taxing entity committee by sending written
1151 notice to the members of the taxing entity committee at least ten days before the date of the
1152 meeting.

1153 (b) Each notice under Subsection (6)(a) shall be accompanied by:

1154 (i) the proposed agenda for the taxing entity committee meeting; and

1155 (ii) if not previously provided and if they exist and are to be considered at the meeting:

1156 (A) the urban renewal or economic development project area plan or proposed plan;

1157 (B) the urban renewal or economic development project area budget or proposed
1158 budget;

1159 (C) the analysis required under Subsection 17C-2-103(2) or 17C-3-103(2);

1160 (D) the blight study;

1161 (E) the agency's resolution making a finding of blight under Subsection
1162 17C-2-102(1)(a)(iv)(B); and

1163 (F) other documents to be considered by the taxing entity committee at the meeting.

1164 (7) (a) A taxing entity committee may not vote on a proposed urban renewal or
1165 economic development project area budget or proposed amendment to an urban renewal or
1166 economic development project area budget at the first meeting at which the proposed budget or
1167 amendment is considered unless all members of the taxing entity committee present at the
1168 meeting consent.

1169 (b) A second taxing entity committee meeting to consider an urban renewal or
1170 economic development project area budget or a proposed amendment to an urban renewal or
1171 economic development project area budget may not be held within 14 days after the first
1172 meeting unless all members of the taxing entity committee present at the first meeting consent.

1173 (8) Each taxing entity committee shall meet at least annually during the time that the
1174 agency receives tax increment under an urban renewal or economic development project area
1175 budget in order to review the status of the project area.

1176 ~~[(6)]~~ (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open
1177 and Public Meetings.

1178 [~~(7)~~] (10) Each time a school district representative or a representative of the State
1179 Board of Education votes as a member of a taxing entity committee to allow an agency to be
1180 paid tax increment or to increase the amount or length of time that an agency may be paid tax
1181 increment, that representative shall, within 45 days after the vote, provide to the
1182 representative's respective school board an explanation in writing of the representative's vote
1183 and the reasons for the vote.

1184 [~~(8)~~] (11) (a) The [~~assessor~~] auditor of each county in which the agency is located shall
1185 provide a written report to the taxing entity committee stating, with respect to property within
1186 each urban renewal and economic development project area:

1187 (i) the base taxable value, as adjusted by any adjustments under Section [~~17B-4-1006~~]
1188 17C-1-408; and

1189 (ii) the assessed value.

1190 (b) With respect to the information required under Subsection [~~(8)~~] (11)(a), the
1191 [~~assessor~~] auditor shall provide:

1192 (i) actual amounts for each year from the adoption of the urban renewal and economic
1193 development project area plan to the time of the report; and

1194 (ii) estimated amounts for each year beginning the year after the time of the report and
1195 ending the time that the agency expects no longer to be paid tax increment from property
1196 within the urban renewal and economic development project area.

1197 (c) The [~~assessor~~] auditor of the county in which the agency is located shall provide a
1198 report under this Subsection [~~(8)~~] (11):

1199 (i) at least annually; and

1200 (ii) upon request of the taxing entity committee, before a taxing entity committee
1201 meeting at which the committee will consider whether to allow the agency to be paid tax
1202 increment or to increase the amount of tax increment that the agency may be paid or the length
1203 of time that the agency may be paid tax increment.

1204 (12) This section does not apply to a community development project area plan.

1205 Section 26. Section **17C-1-403**, which is renumbered from Section 17B-4-1003 is

1206 renumbered and amended to read:

1207 ~~[17B-4-1003].~~ **17C-1-403. Tax increment under a pre-July 1, 1993 project**
1208 **area plan.**

1209 (1) This section applies to tax increment under a pre-July 1, 1993 project area plan
1210 only.

1211 (2) (a) Beginning with the first tax year after April 1, 1983 for which an agency accepts
1212 tax increment, an agency may be paid:

1213 (i) (A) for the first through the fifth tax years, 100% of tax increment;

1214 (B) for the sixth through the tenth tax years, 80% of tax increment;

1215 (C) for the eleventh through the fifteenth tax years, 75% of tax increment;

1216 (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and

1217 (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or

1218 (ii) for an agency that has caused a taxing entity committee to be created under
1219 Subsection ~~[17B-4-1002]~~ 17C-1-402(1), any percentage of tax increment up to 100% and for
1220 any length of time that the taxing entity committee approves.

1221 (b) Notwithstanding any other provision of this section:

1222 (i) an agency may be paid 100% of tax increment from a project area for 32 years after
1223 April 1, 1983 to pay principal and interest on agency indebtedness incurred before April 1,
1224 1983, even though the size of the project area from which tax increment is paid to the agency
1225 exceeds 100 acres of privately owned property under a project area plan adopted on or before
1226 April 1, 1983; and

1227 (ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983
1228 may be refinanced and paid from 100% of tax increment if the principal amount of the debt is
1229 not increased in the refinancing.

1230 (3) (a) For purposes of this Subsection (3), "additional tax increment" means the
1231 difference between 100% of tax increment for a tax year and the amount of tax increment an
1232 agency is paid for that tax year under the percentages and time periods specified in Subsection
1233 (2)(a).

1234 (b) Notwithstanding the tax increment percentages and time periods in Subsection
1235 (2)(a) [~~and Subsection 17B-4-403(1)(m)(i)~~], an agency may be paid additional tax increment
1236 for a period ending 32 years after the first tax year after April 1, 1983 for which the agency
1237 receives tax increment from the project area if:

1238 (i) (A) the additional tax increment is used solely to pay all or part of the value of the
1239 land for and the cost of the installation and construction of a publicly or privately owned
1240 convention center or sports complex or any building, facility, structure, or other improvement
1241 related to the convention center or sports complex, including parking and infrastructure
1242 improvements;

1243 (B) construction of the convention center or sports complex or related building,
1244 facility, structure, or other improvement is commenced on or before June 30, 2002;

1245 (C) the additional tax increment is pledged to pay all or part of the value of the land for
1246 and the cost of the installation and construction of the convention center or sports complex or
1247 related building, facility, structure, or other improvement; and

1248 (D) the agency board and the community legislative body have determined by
1249 resolution that the convention center or sports complex is:

1250 (I) within and a benefit to a project area;

1251 (II) not within but still a benefit to a project area; or

1252 (III) within a project area in which substantially all of the land is publicly owned and a
1253 benefit to the community; or

1254 ~~[(i)]~~ (ii) (A) the additional tax increment is used to pay some or all of the cost of the
1255 land for and installation and construction of a recreational facility, as defined in Section
1256 59-12-702, or a cultural facility, including parking and infrastructure improvements related to
1257 the recreational or cultural facility, whether or not the facility is located within a project area;

1258 ~~[(ii)]~~ (B) construction of the recreational or cultural facility is commenced on or before
1259 December 31, 2005; and

1260 ~~[(iii)]~~ (C) the additional tax increment is pledged on or before July 1, 2005, to pay all
1261 or part of the cost of the land for and the installation and construction of the recreational or

1262 cultural facility, including parking and infrastructure improvements related to the recreational
1263 or cultural facility.

1264 (c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without its
1265 consent, be paid less tax increment because of application of Subsection (3)(b)(ii) than it would
1266 have been paid without that subsection.

1267 (4) Notwithstanding any other provision of this section, an agency may use tax
1268 increment received under Subsection (2) for any of the uses indicated in Subsection (3).

1269 Section 27. Section **17C-1-404**, which is renumbered from Section 17B-4-1004 is
1270 renumbered and amended to read:

1271 ~~[17B-4-1004].~~ **17C-1-404. Tax increment under a post-June 30, 1993**
1272 **project area plan.**

1273 (1) This section applies to tax increment under a post-June 30, 1993 project area plan
1274 adopted before May 1, 2006, only.

1275 (2) An agency board may provide in the project area budget for the agency to be paid:

1276 (a) if 20% of the project area budget is allocated for housing under Section

1277 ~~[17B-4-504]~~ 17C-2-203:

1278 (i) 100% of annual tax increment for 15 years;

1279 (ii) 75% of annual tax increment for 24 years; or

1280 (iii) if approved by the taxing entity committee, any percentage of tax increment up to
1281 100%, or any specified dollar amount, for any period of time; or

1282 (b) if 20% of the project area budget is not allocated for housing under Section

1283 ~~[17B-4-504]~~ 17C-2-203:

1284 (i) 100% of annual tax increment for 12 years;

1285 (ii) 75% of annual tax increment for 20 years; or

1286 (iii) if approved by the taxing entity committee, any percentage of tax increment up to
1287 100%, or any specified dollar amount, for any period of time.

1288 ~~[(3)(a) An agency may, without the approval of the taxing entity committee, elect to be~~
1289 ~~paid 100% of annual tax increment for each year beyond the periods specified in Subsection (2)~~

1290 to a maximum of 25 years, including the years the agency is paid tax increment under
1291 Subsection (2), if:]

1292 [(i) for an agency in a city in which is located all or a portion of an interchange on I-15
1293 or that would directly benefit from an interchange on I-15:]

1294 [(A) the tax increment paid to the agency during the additional years is used to pay
1295 some or all of the cost of the installation, construction, or reconstruction of:]

1296 [(F) an interchange on I-15, whether or not the interchange is located within a project
1297 area; or]

1298 [(H) frontage and other roads connecting to the interchange, as determined by the
1299 Department of Transportation created under Section 72-1-201 and the Transportation
1300 Commission created under Section 72-1-301, whether or not the frontage or other road is
1301 located within a project area; and]

1302 [(B) the installation, construction, or reconstruction of the interchange or frontage and
1303 other roads has begun on or before June 30, 2002;]

1304 [(ii) for an agency in a city of the first or second class:]

1305 [(A) the tax increment paid to the agency during the additional years is used to pay
1306 some or all of the cost of the land for and installation and construction of a recreational facility,
1307 as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure
1308 improvements related to the recreational or cultural facility, whether or not the facility is
1309 located within a project area; and]

1310 [(B) the installation or construction of the recreational or cultural facility has begun on
1311 or before June 30, 2002.]

1312 [(b) Notwithstanding any other provision of this section, an agency may use tax
1313 increment received under Subsection (2) for any of the uses indicated in this Subsection (3).]

1314 [(c) Notwithstanding Subsection (3)(a), a school district may not, without its consent,
1315 receive less tax increment because of application of Subsection (3)(a) than it would have
1316 received without that subsection.]

1317 [(4) An agency may not be paid tax increment from the project area for more than 25

1318 years.]

1319 ~~[(5) (a) A school district that levies a tax on property located within a project area~~
1320 ~~under an education housing development project area plan may elect not to allow the agency to~~
1321 ~~be paid tax increment from the property tax revenues generated by the school district.]~~

1322 ~~[(b) An election under Subsection (5)(a) shall be made in writing to the agency before~~
1323 ~~the taxing entity committee's approval of the project area budget.]~~

1324 ~~[(c) If a school district makes an election under this Subsection (5):]~~

1325 ~~[(i) the agency may not be paid tax increment from property tax revenues generated by~~
1326 ~~the school district; and]~~

1327 ~~[(ii) the school district representatives and the State Board of Education representative~~
1328 ~~on the taxing entity committee may not vote on any matter concerning the education housing~~
1329 ~~development project area or project area budget.]~~

1330 Section 28. Section **17C-1-405** is enacted to read:

1331 **17C-1-405. Tax increment under a project area plan adopted on or after May 1,**
1332 **2006.**

1333 (1) This section applies to tax increment under a project area plan adopted on or after
1334 May 1, 2006.

1335 (2) Subject to the approval of the taxing entity committee, an agency board may
1336 provide in the project area budget for the agency to be paid any percentage of tax increment up
1337 to 100% or any specified dollar amount of tax increment for any period of time.

1338 Section 29. Section **17C-1-406** is enacted to read:

1339 **17C-1-406. Additional tax increment under certain post-June 30, 1993 project**
1340 **area plans.**

1341 (1) This section applies to a post-June 30, 1993 project area plan adopted before May
1342 1, 2006.

1343 (2) An agency may, without the approval of the taxing entity committee, elect to be
1344 paid 100% of annual tax increment for each year beyond the periods specified in Subsection
1345 17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment

1346 under Subsection 17C-1-404(2), if:

1347 (a) for an agency in a city in which is located all or a portion of an interchange on I-15
1348 or that would directly benefit from an interchange on I-15:

1349 (i) the tax increment paid to the agency during the additional years is used to pay some
1350 or all of the cost of the installation, construction, or reconstruction of:

1351 (A) an interchange on I-15, whether or not the interchange is located within a project
1352 area; or

1353 (B) frontage and other roads connecting to the interchange, as determined by the
1354 Department of Transportation created under Section 72-1-201 and the Transportation
1355 Commission created under Section 72-1-301, whether or not the frontage or other road is
1356 located within a project area; and

1357 (ii) the installation, construction, or reconstruction of the interchange or frontage and
1358 other roads has begun on or before June 30, 2002; or

1359 (b) for an agency in a city of the first or second class:

1360 (i) the tax increment paid to the agency during the additional years is used to pay some
1361 or all of the cost of the land for and installation and construction of a recreational facility, as
1362 defined in Section 59-12-702, or a cultural facility, including parking and infrastructure
1363 improvements related to the recreational or cultural facility, whether or not the facility is
1364 located within a project area; and

1365 (ii) the installation or construction of the recreational or cultural facility has begun on
1366 or before June 30, 2002.

1367 (3) Notwithstanding any other provision of this section, an agency may use tax
1368 increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.

1369 (4) Notwithstanding Subsection (2), a school district may not, without its consent,
1370 receive less tax increment because of application of Subsection (2) than it would have received
1371 without that subsection.

1372 Section 30. Section **17C-1-407**, which is renumbered from Section 17B-4-1005 is
1373 renumbered and amended to read:

1374 ~~[17B-4-1005].~~ **17C-1-407. Limitations on tax increment.**

1375 (1) (a) If the development of retail sales of goods is the primary objective of ~~[the]~~ an
 1376 urban renewal project area, tax increment from the urban renewal project area may not be paid
 1377 to or used by an agency unless a finding of blight is made under Chapter 2, Part [6] 3, Blight
 1378 Determination in ~~[Redevelopment]~~ Urban Renewal Project Areas.

1379 (b) ~~[Incidental or subordinate development]~~ Development of retail sales of goods does
 1380 not disqualify an agency from receiving tax increment.

1381 (c) ~~[From]~~ After July 1, 2005 ~~[through June 30, 2006]~~, an agency may not be paid or
 1382 use tax increment generated from the value of property within an economic development ~~[or~~
 1383 ~~education housing development]~~ project area that is attributable to the development of retail
 1384 sales of goods, unless the tax increment was previously pledged to pay for bonds or other
 1385 contractual obligations of the agency.

1386 (2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from
 1387 an increase in the taxing entity's tax rate that occurs after the taxing entity committee approves
 1388 the project area budget unless, at the time the taxing entity committee approves the project area
 1389 budget, the taxing entity committee approves payment of those increased taxes to the agency.

1390 (b) If the taxing entity committee does not approve of payment of the increased taxes to
 1391 the agency under Subsection (2)(a), the county shall distribute to the taxing entity the taxes
 1392 attributable to the tax rate increase in the same manner as other property taxes.

1393 Section 31. Section **17C-1-408**, which is renumbered from Section 17B-4-1006 is
 1394 renumbered and amended to read:

1395 ~~[17B-4-1006].~~ **17C-1-408. Base taxable value to be adjusted to reflect other**
 1396 **changes.**

1397 (1) (a) (i) As used in this Subsection (1), "qualifying decrease" means:

1398 (A) a decrease of more than 20% from the previous tax year's levy; or

1399 (B) a cumulative decrease over a consecutive five-year period of more than 100% from
 1400 the levy in effect at the beginning of the five-year period.

1401 (ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the

1402 fifth year of the five-year period.

1403 (b) If there is a qualifying decrease in the minimum basic school levy under Section
1404 59-2-902 that would result in a reduction of the amount of tax increment to be paid to an
1405 agency:

1406 (i) the base taxable value of taxable property within the project area shall be reduced in
1407 the year of the qualifying decrease to the extent necessary, even if below zero, to provide the
1408 agency with approximately the same amount of tax increment that would have been paid to the
1409 agency each year had the qualifying decrease not occurred; and

1410 (ii) the amount of tax increment paid to the agency each year for the payment of bonds
1411 and indebtedness may not be less than what would have been paid to the agency if there had
1412 been no qualifying decrease.

1413 (2) (a) The amount of the base taxable value to be used in determining tax increment
1414 shall be:

1415 (i) increased or decreased by the amount of an increase or decrease that results from:

1416 (A) a statute enacted by the Legislature or by the people through an initiative;

1417 (B) a judicial decision;

1418 (C) an order from the State Tax Commission to a county to adjust or factor its
1419 assessment rate under Subsection 59-2-704(2);

1420 (D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or
1421 Section 59-2-103; or

1422 (E) an increase or decrease in the percentage of fair market value, as defined under
1423 Section 59-2-102; and

1424 (ii) reduced for any year to the extent necessary, even if below zero, to provide an
1425 agency with approximately the same amount of money the agency would have received without
1426 a reduction in the county's certified tax rate if:

1427 (A) in that year there is a decrease in the county's certified tax rate under Subsection
1428 59-2-924(2)(c) or (d)(i);

1429 (B) the amount of the decrease is more than 20% of the county's certified tax rate of the

1430 previous year; and

1431 (C) the decrease would result in a reduction of the amount of tax increment to be paid
1432 to the agency.

1433 (b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax
1434 increment paid to an agency each year for payment of bonds or other indebtedness may not be
1435 less than would have been paid to the agency each year if there had been no increase or
1436 decrease under Subsection (2)(a).

1437 Section 32. Section **17C-1-409**, which is renumbered from Section 17B-4-1007 is
1438 renumbered and amended to read:

1439 ~~[17B-4-1007]~~. **17C-1-409. Allowable uses of tax increment and sales tax.**

1440 (1) (a) An agency may use tax increment and sales tax proceeds received from a taxing
1441 entity:

1442 (i) for any of the purposes for which the use of tax increment is authorized under this
1443 ~~[chapter]~~ title;

1444 (ii) for administrative, overhead, legal, and other operating expenses of the agency; or
1445 ~~[(ii)]~~ (iii) to pay for, including financing or refinancing, all or part of:

1446 (A) the ~~[redevelopment]~~ urban renewal, economic development, or ~~[education housing]~~
1447 community development in the project area from which the tax increment funds were collected;

1448 (B) housing expenditures, projects, or programs as provided in Section ~~[17B-4-1009]~~
1449 17C-1-411 or ~~[17B-4-1010]~~ 17C-1-412;

1450 (C) with the consent of the community legislative body and subject to Subsection ~~[(3)]~~
1451 (6), the value of the land for and the cost of the installation and construction of any publicly
1452 owned building, facility, structure, landscaping, or other improvement within the project area
1453 from which the tax increment funds were collected; and

1454 (D) with the consent of the community legislative body and the taxing entity
1455 committee, the cost of the installation of publicly owned ~~[utilities and access]~~ infrastructure
1456 and improvements outside the project area from which the tax increment funds were collected
1457 if the agency board and the community legislative body determine by resolution that the

1458 ~~[utilities and access]~~ publicly owned infrastructure and improvements are of benefit to the
1459 project area~~;~~ ~~or~~.

1460 ~~[(iii) for administrative, overhead, legal, and other operating expenses of the agency.]~~

1461 (b) The determination of the agency board and the community legislative body under
1462 Subsection (1)(a)~~(ii)~~(iii)(D) regarding benefit to the project area shall be final and conclusive.

1463 (2) Sales tax proceeds that an agency receives from another public entity are not
1464 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use
1465 Tax Incentive Payments Act.

1466 (3) An agency may use sales tax proceeds it receives under a resolution or interlocal
1467 agreement under Section 17C-4-201 for the uses authorized in the resolution or interlocal
1468 agreement.

1469 ~~[(2)]~~ (4) (a) An agency may contract with the community that created the agency or
1470 another public entity to use tax increment to reimburse the cost of items authorized by this
1471 [chapter] title to be paid by the agency that have been or will be paid by the community or
1472 other public entity.

1473 (b) If land has been or will be acquired or the cost of an improvement has been or will
1474 be paid by another public entity and the land or improvement has been or will be leased to the
1475 community, an agency may contract with and make reimbursement from tax increment funds to
1476 the community.

1477 (5) An agency created by a city of the first or second class may use tax increment from
1478 one project area in another project area to pay all or part of the value of the land for and the
1479 cost of the installation and construction of a publicly or privately owned convention center or
1480 sports complex or any building, facility, structure, or other improvement related to the
1481 convention center or sports complex, including parking and infrastructure improvements, if:

1482 (a) construction of the convention center or sports complex or related building, facility,
1483 structure, or other improvement is commenced on or before June 30, 2002; and

1484 (b) the tax increment is pledged to pay all or part of the value of the land for and the
1485 cost of the installation and construction of the convention center or sports complex or related

1486 building, facility, structure, or other improvement.

1487 [~~(3)~~] (6) Notwithstanding any other provision of this [~~chapter~~] title, an agency may not
1488 use tax increment to construct municipal buildings, courts or other judicial buildings, or fire
1489 stations.

1490 [~~(4)~~] (7) Notwithstanding any other provision of this [~~chapter~~] title, an agency may not
1491 use tax increment under an urban renewal or economic development project area plan, to pay
1492 any of the cost of the land, infrastructure, or construction of a stadium or arena constructed
1493 after March 1, 2005, unless the tax increment has been pledged for that purpose before
1494 February 15, 2005.

1495 Section 33. Section **17C-1-410**, which is renumbered from Section 17B-4-1008 is
1496 renumbered and amended to read:

1497 [~~17B-4-1008~~]. **17C-1-410**. **Agency may make payments to other taxing**
1498 **entities.**

1499 (1) [~~An~~] Subject to Subsection (3), an agency may grant tax increment or other agency
1500 funds to a taxing entity to offset some or all of the tax revenues that the taxing entity did not
1501 receive because of tax increment paid to the agency.

1502 (2) (a) [~~An~~] Subject to Subsection (3), an agency may use tax increment or other
1503 agency funds to pay to a school district an amount of money that the agency determines to be
1504 appropriate to alleviate a financial burden or detriment borne by the school district because of
1505 the [~~redevelopment~~] urban renewal, economic development, or [~~education-housing~~] community
1506 development.

1507 (b) Each agency that agrees to pay money to a school district under the authority of
1508 Subsection (2)(a) shall provide a copy of that agreement to the State Board of Education.

1509 (3) (a) If an agency intends to pay agency funds to one or more taxing entities under
1510 Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally
1511 equal amounts, the agency shall provide written notice to each taxing entity of its intent.

1512 (b) (i) A taxing entity receiving notice under Subsection (3)(a) may elect not to have its
1513 tax increment collected and used to pay funds to other taxing entities under this section.

1514 (ii) Each election under Subsection (3)(b)(i) shall be:
 1515 (A) in writing; and
 1516 (B) delivered to the agency within 30 days after the taxing entity's receipt of the notice
 1517 under Subsection (3)(a).

1518 (c) If a taxing entity makes an election under Subsection (3)(b), the portion of that
 1519 taxing entity's tax increment that would have been used by the agency to pay funds under this
 1520 section to one or more other taxing entities may not be collected from the taxing entity.

1521 Section 34. Section **17C-1-411**, which is renumbered from Section 17B-4-1009 is
 1522 renumbered and amended to read:

1523 ~~[17B-4-1009].~~ **17C-1-411. Agency may use tax increment for housing costs**
 1524 **in other project areas -- Funds to be held in separate accounts.**

1525 ~~[(1) For purposes of this section, "affordable housing" means housing to be owned or~~
 1526 ~~occupied by persons and families of low or moderate income, as determined by resolution of~~
 1527 ~~the agency.]~~

1528 ~~[(2)]~~ (1) An agency may:

1529 (a) use tax increment from a project area to pay all or part of the value of the land for
 1530 and the cost of installation, construction, and rehabilitation of any building, facility, structure,
 1531 or other housing improvement, including infrastructure improvements related to housing,
 1532 located in any project area within the agency's boundaries; and

1533 (b) use up to 20% of tax increment outside of project areas for the purpose of replacing
 1534 housing units lost by ~~[redevelopment]~~ urban renewal, economic development, or ~~[education~~
 1535 ~~housing]~~ community development, or increasing, improving, and preserving generally the
 1536 affordable housing supply of the community that created the agency.

1537 ~~[(3)]~~ (2) (a) Each agency shall separately account for funds allocated under this section.

1538 (b) Interest earned by the housing fund and any payments or repayments made to the
 1539 agency for loans, advances, or grants of any kind from the fund, shall accrue to the housing
 1540 fund.

1541 (c) Each agency designating a housing fund under this section shall use the fund for:

1542 (i) the purposes set forth in this section; or

1543 (ii) the purposes set forth in this [~~chapter~~] title relating to the [~~redevelopment~~] urban
1544 renewal, economic development, or [~~education-housing~~] community development project area
1545 from which the funds originated.

1546 [~~(4)~~] (3) An agency may lend, grant, or contribute funds from the housing fund to a
1547 person, public entity, housing authority, private entity or business, or nonprofit corporation for
1548 affordable housing.

1549 Section 35. Section **17C-1-412**, which is renumbered from Section 17B-4-1010 is
1550 renumbered and amended to read:

1551 [~~17B-4-1010~~]. **17C-1-412. Income targeted housing -- Agency may use tax**
1552 **increment for income targeted housing.**

1553 [~~(1) As used in this section:~~]

1554 [~~(a) "Annual income" has the meaning as defined under regulations of the U.S.~~
1555 ~~Department of Housing and Urban Development, 24 CFR, Part 813, as amended or as~~
1556 ~~superseded by replacement regulations.~~]

1557 [~~(b) "Fair share ratio" means the ratio derived by:~~]

1558 [~~(i) for a city or town, comparing the percentage of all housing units within the city or~~
1559 ~~town that are publicly subsidized income targeted housing units to the percentage of all~~
1560 ~~housing units within the whole county that are publicly subsidized income targeted housing~~
1561 ~~units; or]~~

1562 [~~(ii) for the unincorporated part of a county, comparing the percentage of all housing~~
1563 ~~units within the unincorporated county that are publicly subsidized income targeted housing~~
1564 ~~units to the percentage of all housing units within the whole county that are publicly subsidized~~
1565 ~~income targeted housing units.~~]

1566 [~~(c) "Family" has the meaning as defined under regulations of the U.S. Department of~~
1567 ~~Housing and Urban Development, 24 CFR, Part 813, as amended or as superseded by~~
1568 ~~replacement regulations.~~]

1569 [~~(d) "Housing funds" means the funds allocated in the project area budget under~~

1570 Section ~~17B-4-504~~ for the purposes provided in Subsection (2).]

1571 [~~(e)~~ "Income targeted housing" means housing to be owned or occupied by a family
1572 whose annual income is at or below 80% of the median annual income for the county in which
1573 the housing is located.]

1574 [~~(f)~~ "Unincorporated" means not within a city or town.]

1575 [~~(2)~~] (1) (a) Each agency shall use all funds allocated for housing under this section to:

1576 (i) pay part or all of the cost of land or construction of income targeted housing within
1577 the community that created the agency, if practicable in a mixed income development or area;

1578 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the
1579 community that created the agency;

1580 (iii) pay part or all of the cost of land or installation, construction, or rehabilitation of
1581 any building, facility, structure, or other housing improvement, including infrastructure
1582 improvements, related to housing located in a project area where blight has been found to exist;

1583 (iv) replace housing units lost as a result of the [~~redevelopment~~] urban renewal,
1584 economic development, or [~~education housing~~] community development;

1585 (v) make payments on or establish a reserve fund for bonds:

1586 (A) issued by the agency, the community, or the housing authority that provides
1587 income targeted housing within the community; and

1588 (B) all or part of the proceeds of which are used within the community for the purposes
1589 stated in Subsection [~~(2)~~] (1)(a)(i), (ii), (iii), or (iv); or

1590 (vi) if the community's fair share ratio at the time of the first adoption of the project
1591 area budget is at least 1.1 to 1.0, make payments on bonds:

1592 (A) that were previously issued by the agency, the community, or the housing authority
1593 that provides income targeted housing within the community; and

1594 (B) all or part of the proceeds of which were used within the community for the
1595 purposes stated in Subsection [~~(2)~~] (1)(a)(i), (ii), (iii), or (iv).

1596 (b) As an alternative to the requirements of Subsection [~~(2)~~] (1)(a), an agency may pay
1597 all or any portion of housing funds to:

1598 (i) the community for use as provided under Subsection [~~(2)~~] (1)(a);
1599 (ii) the housing authority that provides income targeted housing within the community
1600 for use in providing income targeted housing within the community; or
1601 (iii) the Olene Walker Housing Loan Fund, established under Title 9, Chapter 4, Part 7,
1602 Olene Walker Housing Loan Fund, for use in providing income targeted housing within the
1603 community.

1604 [~~(3)~~] (2) The agency or community shall separately account for the housing funds,
1605 together with all interest earned by the housing funds and all payments or repayments for loans,
1606 advances, or grants from the housing funds.

1607 [~~(4)~~] (3) In using housing funds under Subsection [~~(2)~~] (1)(a), an agency may lend,
1608 grant, or contribute housing funds to a person, public body, housing authority, private entity or
1609 business, or nonprofit organization for use as provided in Subsection [~~(2)~~] (1)(a).

1610 [~~(5)~~] (4) An agency may:

1611 (a) issue bonds from time to time to finance a housing undertaking under this section,
1612 including the payment of principal and interest upon advances for surveys and plans or
1613 preliminary loans; and

1614 (b) issue refunding bonds for the payment or retirement of bonds under Subsection
1615 [~~(5)~~] (4)(a) previously issued by the agency.

1616 [~~(6)~~] (5) (a) If an agency fails to provide housing funds in accordance with the project
1617 area budget and, if applicable, the housing plan adopted under Subsection [~~17B-4-505~~]
1618 17C-2-204(2), the loan fund board may bring legal action to compel the agency to provide the
1619 housing funds.

1620 (b) In an action under Subsection [~~(6)~~] (5)(a), the court:

1621 (i) shall award the loan fund board a reasonable attorney's fee, unless the court finds
1622 that the action was frivolous; and

1623 (ii) may not award the agency its attorney's fees, unless the court finds that the action
1624 was frivolous.

1625 Section 36. Section **17C-1-413**, which is renumbered from Section 17B-4-1011 is

1626 renumbered and amended to read:

1627 ~~[17B-4-1011]~~. **17C-1-413. Base taxable value for new tax.**

1628 For purposes of calculating tax increment with respect to a tax that a taxing entity levies
1629 for the first time after the effective date of the project area plan, the base taxable value shall be
1630 used, subject to any adjustments under Section ~~[17B-4-1006]~~ 17C-1-408.

1631 Section 37. Section **17C-1-414** is enacted to read:

1632 **17C-1-414. Project area boundaries that divide a tax parcel -- Deletion of parcel**
1633 **from tax increment calculation.**

1634 (1) If the boundaries of a project area, as described in the project area plan, include part
1635 of a tax parcel and exclude part of the same tax parcel, the agency shall provide the assessor of
1636 the county in which the project area is located a metes and bounds description of the part of the
1637 tax parcel included within the project area boundaries.

1638 (2) If an agency fails to comply with the requirement of Subsection (1), the assessor of
1639 the county in which the tax parcel is located may exclude that parcel from the project area for
1640 purposes of calculating tax increment to be paid to the agency until the agency complies with
1641 the requirement of Subsection (1).

1642 Section 38. Section **17C-1-501**, which is renumbered from Section 17B-4-1201 is
1643 renumbered and amended to read:

1644 **Part 5. Agency Bonds**

1645 ~~[17B-4-1201]~~. **17C-1-501. Resolution authorizing issuance of agency bonds**
1646 **-- Characteristics of bonds.**

1647 (1) An agency may not issue bonds under this part unless the agency board first adopts
1648 a resolution authorizing their issuance.

1649 (2) (a) As provided in the agency resolution authorizing the issuance of bonds under
1650 this part or the trust indenture under which the bonds are issued, bonds issued under this part
1651 may be issued in one or more series and may be sold at public or private sale and in the manner
1652 provided in the resolution or indenture.

1653 (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest

1654 at the rate, be in the denomination and in the form, carry the conversion or registration
1655 privileges, have the rank or priority, be executed in the manner, be subject to the terms of
1656 redemption or tender, with or without premium, be payable in the medium of payment and at
1657 the place, and have other characteristics as provided in the agency resolution authorizing their
1658 issuance or the trust indenture under which they are issued.

1659 Section 39. Section **17C-1-502**, which is renumbered from Section 17B-4-1202 is
1660 renumbered and amended to read:

1661 ~~[17B-4-1202]~~. **17C-1-502. Sources from which bonds may be made payable**

1662 **-- Agency powers regarding bonds.**

1663 (1) The principal and interest on bonds issued by an agency may be made payable
1664 from:

1665 (a) the income and revenues of the projects financed with the proceeds of the bonds;

1666 (b) the income and revenues of certain designated projects whether or not they were
1667 financed in whole or in part with the proceeds of the bonds;

1668 (c) the income, proceeds, revenues, property, and funds of the agency derived from or
1669 held in connection with its undertaking and carrying out ~~[redevelopment]~~ urban renewal,
1670 economic development, or ~~[education housing]~~ community development;

1671 (d) tax increment funds;

1672 (e) agency revenues generally;

1673 (f) a contribution, loan, grant, or other financial assistance from the federal government
1674 or a public entity in aid of ~~[redevelopment]~~ urban renewal, economic development, or
1675 ~~[education housing]~~ community development; or

1676 (g) funds derived from any combination of the methods listed in Subsections (1)(a)
1677 through (f).

1678 (2) In connection with the issuance of agency bonds, an agency may:

1679 (a) pledge all or any part of its gross or net rents, fees, or revenues to which its right
1680 then exists or may thereafter come into existence;

1681 (b) encumber by mortgage, deed of trust, or otherwise all or any part of its real or

1682 personal property, then owned or thereafter acquired; and

1683 (c) make the covenants and take the action that may be necessary, convenient, or
1684 desirable to secure its bonds, or, except as otherwise provided in this chapter, that will tend to
1685 make the bonds more marketable, even though such covenants or actions are not specifically
1686 enumerated in this chapter.

1687 Section 40. Section **17C-1-503**, which is renumbered from Section 17B-4-1203 is
1688 renumbered and amended to read:

1689 ~~[17B-4-1203].~~ **17C-1-503. Signature of officer who leaves office.**

1690 If an agency officer whose signature appears on a bond issued under this part leaves
1691 office before delivery of the bond, the signature shall continue to be valid as if the official had
1692 remained in office until delivery of the bond.

1693 Section 41. Section **17C-1-504**, which is renumbered from Section 17B-4-1204 is
1694 renumbered and amended to read:

1695 ~~[17B-4-1204].~~ **17C-1-504. Contesting the legality of resolution authorizing**
1696 **bonds -- Time limit -- Presumption.**

1697 (1) Any person may contest the legality of the resolution authorizing issuance of the
1698 bonds or any provisions for the security and payment of the bonds for a period of 30 days after:

- 1699 (a) publication of the resolution authorizing the bonds; or
- 1700 (b) publication of a notice of bonds containing substantially the items required under
1701 Subsection 11-14-316(2).

1702 (2) After the 30-day period under Subsection (1), no lawsuit or other proceeding may
1703 be brought contesting the regularity, formality, or legality of the bonds for any reason.

1704 (3) In a lawsuit or other proceeding involving the question of whether a bond issued
1705 under this part is valid or enforceable or involving the security for a bond, if a bond recites that
1706 the agency issued the bond in connection with [~~a redevelopment~~] an urban renewal, economic
1707 development, or [~~education housing~~] community development project:

- 1708 (a) the bond shall be conclusively presumed to have been issued for that purpose; and
- 1709 (b) the project area plan and project area shall be conclusively presumed to have been

1710 properly formed, adopted, planned, located, and carried out in accordance with this [chapter]
1711 title.

1712 Section 42. Section **17C-1-505**, which is renumbered from Section 17B-4-1205 is
1713 renumbered and amended to read:

1714 ~~[17B-4-1205]~~. **17C-1-505. Authority to purchase agency bonds.**

1715 (1) Any person, firm, corporation, association, political subdivision of the state, or
1716 other entity or public or private officer may purchase bonds issued by an agency under this part
1717 with funds owned or controlled by the purchaser.

1718 (2) Nothing in this section may be construed to relieve a purchaser of agency bonds of
1719 any duty to exercise reasonable care in selecting securities.

1720 Section 43. Section **17C-1-506**, which is renumbered from Section 17B-4-1206 is
1721 renumbered and amended to read:

1722 ~~[17B-4-1206]~~. **17C-1-506. Those executing bonds not personally liable --**
1723 **Limitation of obligations under bonds -- Negotiability.**

1724 (1) A member of an agency board or other person executing an agency bond is not
1725 liable personally on the bond.

1726 (2) (a) A bond issued by an agency is not a general obligation or liability of the
1727 community, the state, or any of its political subdivisions and does not constitute a charge
1728 against their general credit or taxing powers.

1729 (b) A bond issued by an agency is not payable out of any funds or properties other than
1730 those of the agency.

1731 (c) The community, the state, and its political subdivisions may not be liable on a bond
1732 issued by an agency.

1733 (d) A bond issued by an agency does not constitute indebtedness within the meaning of
1734 any constitutional or statutory debt limitation.

1735 (3) A bond issued by an agency under this part is fully negotiable.

1736 Section 44. Section **17C-1-507**, which is renumbered from Section 17B-4-1207 is
1737 renumbered and amended to read:

1738 ~~[17B-4-1207]~~. 17C-1-507. Obligee rights -- Board may confer other rights.

1739 (1) In addition to all other rights that are conferred on an obligee of a bond issued by an
1740 agency under this part and subject to contractual restrictions binding on the obligee, an obligee
1741 may:

1742 (a) by mandamus, suit, action, or other proceeding, compel an agency and its board,
1743 officers, agents, or employees to perform every term, provision, and covenant contained in any
1744 contract of the agency with or for the benefit of the obligee, and require the agency to carry out
1745 the covenants and agreements of the agency and to fulfill all duties imposed on the agency by
1746 this part; and

1747 (b) by suit, action, or proceeding in equity, enjoin any acts or things that may be
1748 unlawful or violate the rights of the obligee.

1749 (2) (a) In a board resolution authorizing the issuance of bonds or in a trust indenture,
1750 mortgage, lease, or other contract, an agency board may confer upon an obligee holding or
1751 representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue
1752 upon the happening of an event or default prescribed in the resolution, indenture, mortgage,
1753 lease, or other contract, and to be exercised by suit, action, or proceeding in any court of
1754 competent jurisdiction.

1755 (b) (i) The rights that the board may confer under Subsection (2)(a) are the rights to:

1756 (A) cause possession of all or part of [~~a redevelopment~~] an urban renewal, economic
1757 development, or [~~education housing~~] community development project to be surrendered to an
1758 obligee;

1759 (B) obtain the appointment of a receiver of all or part of an agency's [~~redevelopment~~]
1760 urban renewal, economic development, or [~~education housing~~] community development project
1761 and of the rents and profits from it; and

1762 (C) require the agency and its board and employees to account as if the agency and the
1763 board and employees were the trustees of an express trust.

1764 (ii) If a receiver is appointed through the exercise of a right granted under Subsection
1765 (2)(b)(i)(B), the receiver:

1766 (A) may enter and take possession of the [~~redevelopment~~] urban renewal, economic
1767 development, or [~~education-housing~~] community development project or any part of it, operate
1768 and maintain it, and collect and receive all fees, rents, revenues, or other charges arising from it
1769 after the receiver's appointment; and

1770 (B) shall keep money collected as receiver for the agency in separate accounts and
1771 apply it pursuant to the agency obligations as the court directs.

1772 Section 45. Section **17C-1-508**, which is renumbered from Section 17B-4-1208 is
1773 renumbered and amended to read:

1774 [~~17B-4-1208~~]. **17C-1-508. Bonds exempt from taxes -- Agency may**
1775 **purchase its own bonds.**

1776 (1) A bond issued by an agency under this part is issued for an essential public and
1777 governmental purpose and is, together with interest on the bond and income from it, exempt
1778 from all state taxes except the corporate franchise tax.

1779 (2) An agency may purchase its own bonds at a price that its board determines.

1780 (3) Nothing in this section may be construed to limit the right of an obligee to pursue a
1781 remedy for the enforcement of a pledge or lien given under this part by an agency on its rents,
1782 fees, grants, properties, or revenues.

1783 Section 46. Section **17C-1-601**, which is renumbered from Section 17B-4-1301 is
1784 renumbered and amended to read:

Part 6. Agency Annual Budget and Audit and Other Provisions

1785 [~~17B-4-1301~~]. **17C-1-601. Annual agency budget -- Fiscal year -- Public**
1786 **hearing required -- Auditor forms -- Requirement to file form.**

1788 (1) Each agency shall prepare and its board adopt an annual budget of revenues and
1789 expenditures for the agency for each fiscal year.

1790 (2) Each annual agency budget shall be adopted:

1791 (a) for an agency created by a city or town, before June 22; or

1792 (b) for an agency created by a county, before December 15.

1793 (3) The agency's fiscal year shall be the same as the fiscal year of the community that

1794 created the agency.

1795 (4) (a) Before adopting an annual budget, each agency board shall hold a public hearing
1796 on the annual budget.

1797 (b) Each agency shall provide notice of the public hearing on the annual budget by:

1798 (i) publishing at least one notice in a newspaper of general circulation within the
1799 agency boundaries, one week before the public hearing; or

1800 (ii) if there is no newspaper of general circulation within the agency boundaries,
1801 posting a notice of the public hearing in at least three public places within the agency
1802 boundaries.

1803 (c) Each agency shall make the annual budget available for public inspection at least
1804 three days before the date of the public hearing.

1805 (5) The state auditor shall prescribe the budget forms and the categories to be contained
1806 in each agency budget, including:

1807 (a) revenues and expenditures for the budget year;

1808 (b) legal fees; and

1809 (c) administrative costs, including rent, supplies, and other materials, and salaries of
1810 agency personnel.

1811 (6) (a) Within 30 days after adopting an annual budget, each agency board shall file a
1812 copy of the annual budget with the auditor of the county in which the agency is located, the
1813 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
1814 that levies a tax on property from which the agency collects tax increment.

1815 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
1816 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
1817 state auditor.

1818 Section 47. Section **17C-1-602**, which is renumbered from Section 17B-4-1302 is
1819 renumbered and amended to read:

1820 ~~[17B-4-1302]~~. **17C-1-602. Amending the agency annual budget.**

1821 (1) An agency board may by resolution amend an annual agency budget.

1822 (2) An amendment of the annual agency budget that would increase the total
1823 expenditures may be made only after public hearing by notice published as required for initial
1824 adoption of the annual budget.

1825 (3) An agency may not make expenditures in excess of the total expenditures
1826 established in the annual budget as it is adopted or amended.

1827 Section 48. Section **17C-1-603**, which is renumbered from Section 17B-4-1303 is
1828 renumbered and amended to read:

1829 ~~[17B-4-1303].~~ **17C-1-603. Agency report.**

1830 (1) (a) On or before November 1 of each year, each agency shall prepare and file a
1831 report with the county auditor, the State Tax Commission, the State Board of Education, and
1832 each taxing entity that levies a tax on property from which the agency collects tax increment.

1833 (b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a
1834 taxing entity is met if the agency files a copy with the State Tax Commission and the state
1835 auditor.

1836 (2) Each report under Subsection (1) shall contain:

1837 (a) an estimate of the tax increment to be paid to the agency for the calendar year
1838 ending December 31; and

1839 (b) an estimate of the tax increment to be paid to the agency for the calendar year
1840 beginning the next January 1.

1841 Section 49. Section **17C-1-604**, which is renumbered from Section 17B-4-1304 is
1842 renumbered and amended to read:

1843 ~~[17B-4-1304].~~ **17C-1-604. Audit requirements.**

1844 Each agency shall comply with the audit requirements of Title 51, Chapter 2a,
1845 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local
1846 Entities Act.

1847 Section 50. Section **17C-1-605**, which is renumbered from Section 17B-4-1305 is
1848 renumbered and amended to read:

1849 ~~[17B-4-1305].~~ **17C-1-605. Audit report.**

1850 (1) Each agency required to be audited under Section [~~17B-4-1304~~] 17C-1-604 shall,
1851 within 180 days after the end of the agency's fiscal year, file a copy of the audit report with the
1852 county auditor, the State Tax Commission, the State Board of Education, and each taxing entity
1853 that levies a tax on property from which the agency collects tax increment.

1854 (2) Each audit report under Subsection (1) shall include:

1855 (a) the tax increment collected by the agency for each project area;

1856 (b) the amount of tax increment paid to each taxing entity under Section [~~17B-4-1008~~]
1857 17C-1-410;

1858 (c) the outstanding principal amount of bonds issued or other loans incurred to finance
1859 the costs associated with the agency's project areas; and

1860 (d) the actual amount expended for:

1861 (i) acquisition of property;

1862 (ii) site improvements or site preparation costs;

1863 (iii) installation of public utilities or other public improvements; and

1864 (iv) administrative costs of the agency.

1865 Section 51. Section **17C-1-606**, which is renumbered from Section 17B-4-1306 is
1866 renumbered and amended to read:

1867 [~~17B-4-1306~~]. **17C-1-606**. **County auditor report on project areas.**

1868 (1) (a) On or before March 31 of each year, the auditor of each county in which an
1869 agency is located shall prepare a report on the project areas within each agency.

1870 (b) The county auditor shall send a copy of each report under Subsection (1)(a) to the
1871 agency that is the subject of the report, the State Tax Commission, the State Board of
1872 Education, and each taxing entity that levies a tax on property from which the agency collects
1873 tax increment.

1874 (2) Each report under Subsection (1)(a) shall report:

1875 (a) the total assessed property value within each project area for the previous tax year;

1876 (b) the base taxable value of property within each project area for the previous tax year;

1877 (c) the tax increment available to be paid to the agency for the previous tax year;

- 1878 (d) the tax increment requested by the agency for the previous tax year; and
- 1879 (e) the tax increment paid to the agency for the previous tax year.
- 1880 (3) Within 30 days after a request by an agency, the State Tax Commission, the State
- 1881 Board of Education, or any taxing entity that levies a tax on property from which the agency
- 1882 receives tax increment, the county auditor or the county assessor shall provide access to:
- 1883 (a) the county auditor's method and calculations used to make adjustments under
- 1884 Section [~~17B-4-1006~~] 17C-1-408;
- 1885 (b) the unequalized assessed valuation of an existing or proposed project area, or any
- 1886 parcel or parcels within an existing or proposed project area, if the equalized assessed valuation
- 1887 has not yet been determined for that year; [~~and~~]
- 1888 (c) the most recent equalized assessed valuation of an existing or proposed project area
- 1889 or any parcel or parcels within an existing or proposed project area; and
- 1890 (d) the tax rate of each taxing entity adopted as of November 1 for the previous tax
- 1891 year.

1892 Section 52. Section **17C-1-607** is enacted to read:

1893 **17C-1-607. State Tax Commission and county assessor required to account for**
1894 **new growth.**

1895 The State Tax Commission and the assessor of each county in which an urban renewal,
1896 economic development, or community development project area is located shall count as new
1897 growth the assessed value of property with respect to which the taxing entity is receiving taxes
1898 or increased taxes for the first time.

1899 Section 53. Section **17C-1-701**, which is renumbered from Section 17B-4-1401 is
1900 renumbered and amended to read:

1901 **Part 7. Agency Dissolution**

1902 [~~17B-4-1401~~]. **17C-1-701. Dissolution by ordinance -- Restrictions -- Filing**
1903 **copy of ordinance -- Agency records -- Dissolution expenses.**

1904 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
1905 an agency may, by ordinance, deactivate and dissolve the agency.

1906 (b) An ordinance dissolving an agency may not be adopted unless the agency has no
1907 outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally
1908 binding contractual obligations with persons or entities other than the community.

1909 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
1910 community legislative body shall file a certified copy of the ordinance with the lieutenant
1911 governor.

1912 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
1913 Section 67-1a-6.5, the agency is dissolved.

1914 (c) Within ten days after receiving the certificate of dissolution from the lieutenant
1915 governor under Section 67-1a-6.5, the community legislative body shall send a copy of the
1916 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
1917 Education, and each taxing entity.

1918 (d) The community legislative body shall publish a notice of dissolution in a
1919 newspaper of general circulation in the county in which the dissolved agency is located.

1920 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
1921 deposited for safekeeping and reference with the recorder of the community that dissolved the
1922 agency.

1923 (4) The agency shall pay all expenses of the deactivation and dissolution.

1924 Section 54. Section **17C-2-101**, which is renumbered from Section 17B-4-401 is
1925 renumbered and amended to read:

CHAPTER 2. URBAN RENEWAL

Part 1. Urban Renewal Project Area Plan

1928 [~~17B-4-401~~]. **17C-2-101. Resolution designating survey area -- Request to**
1929 **adopt resolution.**

1930 (1) An agency board may begin the process of adopting [a] an urban renewal project
1931 area plan by adopting a resolution that:

1932 [~~(a) for a proposed redevelopment project area plan:~~]

1933 [(†)] (a) designates an area located within the agency's boundaries as a survey area;

1934 [(ii)] (b) contains a statement that the survey area requires study to determine whether:

1935 [(A)] (i) one or more [~~redevelopment~~] urban renewal projects within the survey area
1936 are feasible; and

1937 [(B)] (ii) blight exists within the survey area; and

1938 [(iii)] (c) contains a description or map of the boundaries of the survey area~~;~~or.

1939 [(b) for a proposed economic development or education housing development project
1940 area plan, authorizes the preparation of a draft project area plan.]

1941 (2) (a) Any person or any group, association, corporation, or other entity may submit a
1942 written request to the board to adopt a resolution under Subsection (1).

1943 (b) A request under Subsection (2)(a) may include plans showing the [~~redevelopment,~~
1944 ~~economic development, or education housing development~~] urban renewal proposed for an
1945 area within the agency's boundaries.

1946 (c) The board may, in its sole discretion, grant or deny a request under Subsection
1947 (2)(a).

1948 Section 55. Section **17C-2-102**, which is renumbered from Section 17B-4-402 is
1949 renumbered and amended to read:

1950 [~~17B-4-402~~]. **17C-2-102. Process for adopting urban renewal project area**
1951 **plan -- Prerequisites -- Restrictions.**

1952 (1) (a) In order to adopt [a] an urban renewal project area plan, after adopting a
1953 resolution under Subsection [~~17B-4-401~~] 17C-2-101(1) the agency shall:

1954 (i) cause a blight study to be conducted within the survey area as provided in Section
1955 17C-2-301;

1956 (ii) provide notice of a blight hearing as required under Part 5, Urban Renewal Notice
1957 Requirements;

1958 (iii) hold a blight hearing as provided in Section 17C-2-302; and

1959 (iv) after the blight hearing has been held, hold a board meeting, either in conjunction
1960 with the blight hearing or at a subsequent board meeting, at which the board shall:

1961 (A) consider:

1962 (I) the issue of blight and the evidence and information relating to the existence or
1963 nonexistence of blight; and
1964 (II) whether adoption of one or more urban renewal project area plans should be
1965 pursued; and
1966 (B) by resolution:
1967 (I) make a finding regarding the existence of blight in the proposed urban renewal
1968 project area;
1969 (II) select one or more project areas comprising part or all of the survey area; and
1970 (III) authorize the preparation of a draft project area plan for each project area;
1971 ~~[(a)]~~ (v) prepare a draft of a project area plan and conduct any examination,
1972 investigation, and negotiation regarding the project area plan that the agency considers
1973 appropriate;
1974 ~~[(b) request input on the draft project area plan from the planning commission of the~~
1975 ~~community in which the proposed project area is located;]~~
1976 ~~[(c)]~~ (vi) make the draft project area plan available to the public at the agency's offices
1977 during normal business hours;
1978 ~~[(d)]~~ (vii) provide notice of the plan hearing as provided in Sections [17B-4-702]
1979 17C-2-502 and [17B-4-704] 17C-2-504;
1980 ~~[(e)]~~ (viii) hold a public hearing on the draft project area plan and, at that public
1981 hearing:
1982 ~~[(i)]~~ (A) allow public comment on:
1983 ~~[(A)]~~ (I) the draft project area plan; and
1984 ~~[(B)]~~ (II) whether the draft project area plan should be revised, approved, or rejected;
1985 and
1986 ~~[(ii)]~~ (B) receive all written and hear all oral objections to the draft project area plan;
1987 ~~[(f)]~~ (ix) before holding the plan hearing, provide an opportunity for the State Board of
1988 Education and each taxing entity that levies a tax on property within the proposed project area
1989 to consult with the agency regarding the draft project area plan;

1990 ~~[(g)]~~ (x) if applicable, hold the election required under Subsection [~~17B-4-406~~
1991 17C-2-105(3);
1992 ~~[(h) for a redevelopment project area plan:]~~
1993 ~~[(i) comply with the requirements of Part 6, Blight Determination in Redevelopment~~
1994 Project Areas;
1995 ~~[(ii) before providing notice of the plan hearing, hold at least one public hearing to:]~~
1996 ~~[(A) inform the public about each area being considered for a redevelopment project~~
1997 area; and]
1998 ~~[(B) allow public input into agency deliberations on proposing each redevelopment~~
1999 project area;]
2000 ~~[(iii) select one or more project areas comprising part or all of the survey area; and]~~
2001 ~~[(iv) before sending the first notice to assessment owners of property for a public input~~
2002 hearing, blight hearing, or combined public input and blight hearing, prepare and adopt
2003 guidelines setting forth and governing the reasonable opportunities of record property owners
2004 and tenants to participate in the redevelopment;]
2005 ~~[(i)]~~ (xi) after holding the plan hearing, at the same meeting or at a subsequent meeting
2006 consider:
2007 ~~[(i)]~~ (A) the oral and written objections to the draft project area plan and evidence and
2008 testimony for ~~[or]~~ and against adoption of the draft project area plan; and
2009 ~~[(ii)]~~ (B) whether to revise, approve, or reject the draft project area plan;
2010 ~~[(j) subject to Subsection (5);]~~ (xii) approve the draft project area plan, with or without
2011 revisions, as the project area plan by a resolution that complies with Section [~~17B-4-407~~
2012 17C-2-106; and
2013 ~~[(k)]~~ (xiii) submit the project area plan to the community legislative body for adoption.
2014 (b) If an agency makes a finding under Subsection (1)(a)(iv)(B) that blight exists in the
2015 proposed urban renewal project area, the agency may not adopt the project area plan until the
2016 taxing entity committee approves the finding of blight.
2017 (2) An agency may not propose a project area plan under Subsection (1) unless the

2018 community in which the proposed project area is located:

2019 (a) has a planning commission; and

2020 (b) has adopted a general plan under:

2021 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or

2022 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

2023 (3) (a) Subject to Subsection (3)(b), an agency board may not approve a project area
2024 plan more than one year after[~~:(i) for a redevelopment project area plan;~~] adoption of a
2025 resolution making a finding of blight under Subsection [~~17B-4-601(1)(d)(ii); or (ii) for an~~
2026 ~~economic development or education housing development project area plan, the date of the~~
2027 ~~plan hearing;~~] (1)(a)(iv)(B).

2028 (b) If a project area plan is submitted to an election under Subsection [~~17B-4-406(3)]~~
2029 17C-2-105(3), the time between the plan hearing and the date of the election does not count for
2030 purposes of calculating the year period under Subsection (3)(a).

2031 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be
2032 modified to add real property to the proposed project area unless the board holds a plan hearing
2033 to consider the addition and gives notice of the plan hearing as required under Sections
2034 [~~17B-4-702]~~ 17C-2-502 and [~~17B-4-704]~~ 17C-2-504.

2035 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft
2036 project area plan being modified to add real property to the proposed project area if:

2037 (i) the property is contiguous to the property already included in the proposed project
2038 area under the draft project area plan;

2039 (ii) the record owner of the property consents to adding the real property to the
2040 proposed project area; and

2041 (iii) [~~for a redevelopment project area;~~] the property is located within the survey area.

2042 [~~(5) From July 1, 2005 through June 30, 2006, an agency may not adopt a project area~~
2043 ~~plan for a redevelopment project requiring a finding of blight unless;~~]

2044 [~~(a) before February 15, 2005, the agency has authorized a blight study; and]~~

2045 [~~(b) the blight study authorized before February 15, 2005, is completed before July 1,~~

2046 2005;]

2047 Section 56. Section **17C-2-103**, which is renumbered from Section 17B-4-403 is
2048 renumbered and amended to read:

2049 ~~[17B-4-403].~~ **17C-2-103. Urban renewal project area plan requirements.**

2050 (1) Each urban renewal project area plan and draft project area plan shall:

2051 (a) describe the boundaries of the project area, subject to Section 17C-1-414, if
2052 applicable;

2053 (b) contain a general statement of the land uses, layout of principal streets, population
2054 densities, and building intensities of the project area and how they will be affected by the
2055 ~~[redevelopment, economic development, or education housing development]~~ urban renewal;

2056 (c) state the standards that will guide the ~~[redevelopment, economic development, or~~
2057 ~~education housing development]~~ urban renewal;

2058 (d) show how the purposes of this ~~[chapter]~~ title will be attained by the
2059 ~~[redevelopment, economic development, or education housing development]~~ urban renewal;

2060 (e) be consistent with the general plan of the community in which the project area is
2061 located and show that the ~~[redevelopment, economic development, or education housing~~
2062 ~~development]~~ urban renewal will conform to the community's general plan;

2063 (f) ~~[if the agency board made a finding of blight under Subsection 17B-4-601(1)(d)(ii);]~~
2064 describe how the ~~[redevelopment]~~ urban renewal will reduce or eliminate blight in the project
2065 area;

2066 ~~[(g) if the project area plan is for economic development, describe how the economic~~
2067 ~~development will create additional jobs;]~~

2068 ~~[(h) if the project area plan is for education housing development, describe how the~~
2069 ~~education housing development will meet the needs of the community in which the project area~~
2070 ~~is located;]~~

2071 ~~[(i)]~~ (g) describe any specific project or projects that are the object of the proposed
2072 ~~[redevelopment, economic development, or education housing development]~~ urban renewal;

2073 ~~[(j)]~~ (h) identify how private developers, if any, will be selected to undertake the

2074 [~~redevelopment, economic development, or education housing development~~] urban renewal
2075 and identify each private developer currently involved in the [~~redevelopment, economic~~
2076 ~~development, or education housing development~~] urban renewal process;

2077 [~~(k) contain a time limit of no more than three years after adoption of the project area~~
2078 ~~plan for the agency to commence implementation of the project area plan, unless the project~~
2079 ~~area plan is adopted again as if it were an amended project area plan under Section 17B-4-411;~~
2080 [~~(l) if the project area plan authorizes the use of eminent domain, contain a time limit~~
2081 ~~of no more than five years after the effective date of the project area plan for the agency to~~
2082 ~~commence acquisition of property through the use of eminent domain;~~]

2083 [~~(m) if the project area plan provides for tax increment to be paid to the agency;~~
2084 [~~(i) contain a time limit of no more than 25 years for tax increment to be paid to the~~
2085 ~~agency from the project area unless the taxing entity committee consents to a longer period;~~
2086 ~~and]~~

2087 [~~(ii) contain a provision that the project area may not exceed 100 acres of private real~~
2088 ~~property unless;~~]

2089 [~~(A) the agency obtains the consent of the taxing entity committee; or]~~
2090 [~~(B) the project area is a superfund site;~~]

2091 [~~(n)~~] (i) state the reasons for the selection of the project area;
2092 [~~(o)~~] (j) describe the physical, social, and economic conditions existing in the project
2093 area;

2094 [~~(p) provide a financial analysis describing the proposed method of financing the~~
2095 ~~proposed redevelopment, economic development, or education housing development;~~]

2096 [~~(q)~~] (k) describe any tax incentives offered private entities for facilities located in the
2097 project area;

2098 [~~(r) contain the report and state any recommendations of the community's planning~~
2099 ~~commission;~~]

2100 [~~(s)~~] (l) include [~~an~~] the analysis[~~, as provided~~] described in Subsection (2)[~~, of~~
2101 ~~whether adoption of the project area plan is;~~];

2102 ~~[(i) for a redevelopment project area plan, necessary and appropriate to reduce or~~
2103 ~~eliminate blight, or]~~

2104 ~~[(ii) for an economic development or education housing development project area plan,~~
2105 ~~beneficial under a benefit analysis;]~~

2106 ~~[(t)]~~ (m) if any of the existing buildings or uses in the project area are included in or
2107 eligible for inclusion in the National Register of Historic Places or the State Register, state that
2108 the agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency;
2109 and

2110 ~~[(t)]~~ (n) include other information that the agency determines to be necessary or
2111 advisable.

2112 (2) Each analysis under Subsection (1)~~[(s)(ii)]~~(l) shall consider:

2113 (a) the benefit of any financial assistance or other public subsidy proposed to be
2114 provided by the agency, including:

2115 (i) an evaluation of the reasonableness of the costs of ~~[economic development or~~
2116 ~~education housing development]~~ the urban renewal;

2117 (ii) efforts the agency or developer has made or will make to maximize private
2118 investment;

2119 (iii) the rationale for use of tax increment, including an analysis of whether the
2120 proposed development might reasonably be expected to occur in the foreseeable future solely
2121 through private investment; and

2122 (iv) an estimate of the total amount of tax increment that will be expended in
2123 undertaking ~~[economic development or education housing development]~~ urban renewal and the
2124 length of time for which it will be expended; and

2125 (b) the anticipated public benefit to be derived from the ~~[economic development or~~
2126 ~~education housing development]~~ urban renewal, including:

2127 (i) the beneficial influences upon the tax base of the community;

2128 (ii) the associated business and economic activity likely to be stimulated; and

2129 ~~[(iii) in the case of economic development, the number of jobs or employment~~

2130 anticipated to be generated or preserved.]

2131 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or
2132 eliminate blight.

2133 Section 57. Section **17C-2-104**, which is renumbered from Section 17B-4-405 is
2134 renumbered and amended to read:

2135 ~~[17B-4-405].~~ **17C-2-104. Existing and historic buildings and uses in an**
2136 **urban renewal project area.**

2137 If any of the existing buildings or uses in [a] an urban renewal project area are included
2138 in or eligible for inclusion in the National Register of Historic Places or the State Register, the
2139 agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency.

2140 Section 58. Section **17C-2-105**, which is renumbered from Section 17B-4-406 is
2141 renumbered and amended to read:

2142 ~~[17B-4-406].~~ **17C-2-105. Objections to urban renewal project area plan --**
2143 **Owners' alternative project area plan -- Election if 40% of property owners object.**

2144 (1) At any time before the plan hearing, any person may file with the agency a written
2145 statement of objections to the draft urban renewal project area plan.

2146 (2) If the record owners of property of a majority of the private real property included
2147 within the proposed urban renewal project area file a written petition before or at the plan
2148 hearing, proposing an alternative project area plan, the agency shall consider that proposed plan
2149 in conjunction with the project area plan proposed by the agency.

2150 (3) (a) If the record property owners of at least 40% of the private land area within the
2151 proposed urban renewal project area object in writing to the draft project area plan before or at
2152 the plan hearing and do not withdraw their objections, an agency may not approve the project
2153 area plan until approved by voters within the boundaries of the agency in which the proposed
2154 project area is located at an election as provided in Subsection (3)(b).

2155 (b) (i) Except as provided in this section, each election required under Subsection
2156 (3)(a) shall comply with Title 20A, Election Code.

2157 (ii) An election under Subsection (3)(a) may be held on the same day and with the

2158 same election officials as an election held by the community in which the proposed project area
2159 is located.

2160 (iii) If a majority of those voting on the proposed project area plan vote in favor of it,
2161 the project area plan shall be considered approved and the agency shall confirm the approval by
2162 resolution.

2163 (4) If the record property owners of 2/3 of the private land area within the proposed
2164 project area object in writing to the draft project area plan before or at the plan hearing and do
2165 not withdraw their objections, the project area plan may not be adopted and the agency may not
2166 reconsider the project area plan for three years.

2167 Section 59. Section **17C-2-106**, which is renumbered from Section 17B-4-407 is
2168 renumbered and amended to read:

2169 ~~[17B-4-407].~~ **17C-2-106. Board resolution approving urban renewal**
2170 **project area plan -- Requirements.**

2171 [(+)] Each board resolution approving a draft [~~redevelopment, economic development,~~
2172 ~~or education housing development~~] urban renewal project area plan as the project area plan
2173 under Subsection [~~17B-4-402(1)(j)~~] 17C-2-102(1)(a)(xii) shall contain:

2174 [(a)] (1) a legal description of the boundaries of the project area that is the subject of
2175 the project area plan;

2176 [(b)] (2) the agency's purposes and intent with respect to the project area;

2177 [(c)] (3) the project area plan incorporated by reference; [~~and~~]

2178 (4) a statement that the board previously made a finding of blight within the project
2179 area and the date of the board's finding of blight; and

2180 [(d)] (5) the board findings and determinations that:

2181 [(i)] (a) there is a need to effectuate a public purpose;

2182 [(ii)] (b) there is a public benefit under the analysis described in [~~Subsections~~

2183 ~~17B-4-403(1)(t) and~~] Subsection 17C-2-103(2);

2184 [(iii)] (c) it is economically sound and feasible to adopt and carry out the project area
2185 plan;

2186 ~~[(iv)] (d)~~ the project area plan conforms to the community's general plan; and
2187 ~~[(v)] (e)~~ carrying out the project area plan will promote the public peace, health, safety,
2188 and welfare of the community in which the project area is located.

2189 ~~[(2) (a) As used in this Subsection (2), "comparable dwellings" means residential~~
2190 ~~housing facilities that are:]~~

2191 ~~[(i) within the project area or in other areas not generally less desirable in regard to~~
2192 ~~public utilities and public and commercial facilities;]~~

2193 ~~[(ii) at rents or prices within the financial means of the families and persons displaced~~
2194 ~~from the project area; and]~~

2195 ~~[(iii) decent, safe, and sanitary and equal in number and available to displaced families~~
2196 ~~and persons and reasonably accessible to their places of employment.]~~

2197 ~~[(b) In addition to the requirements under Subsection (1), each board resolution~~
2198 ~~approving a redevelopment project area plan shall:]~~

2199 ~~[(i) state that the board previously made a finding of blight within the project area and~~
2200 ~~the date of the board's finding of blight; and]~~

2201 ~~[(ii) contain the board's findings and determinations that, if the project area plan may~~
2202 ~~result in the temporary or permanent displacement of any residential occupants in the project~~
2203 ~~area:]~~

2204 ~~[(A) the agency has a feasible method or plan for the relocation of families and persons~~
2205 ~~displaced from the project area;]~~

2206 ~~[(B) comparable dwellings exist or will be provided to the families and persons~~
2207 ~~displaced by the project area plan; and]~~

2208 ~~[(C) the board is satisfied that permanent housing facilities will be available within~~
2209 ~~three years from the time occupants of the project area are displaced and, pending the~~
2210 ~~development of these housing facilities, there will be available to the displaced occupants~~
2211 ~~adequate temporary housing facilities at rents comparable to those in the community at the time~~
2212 ~~of their displacement.]~~

2213 Section 60. Section **17C-2-107**, which is renumbered from Section 17B-4-408 is

2214 renumbered and amended to read:

2215 ~~[17B-4-408].~~ **17C-2-107. Urban renewal project area plan to be adopted**
2216 **by community legislative body.**

2217 (1) ~~[A]~~ An urban renewal project area plan approved by board resolution under Section
2218 ~~[17B-4-407]~~ 17C-2-106 may not take effect until:

2219 (a) it has been adopted by ordinance of the legislative body of the community that
2220 created the agency; and

2221 (b) notice under Section ~~[17B-4-409]~~ 17C-2-108 is provided.

2222 (2) Each ordinance under Subsection (1) shall:

2223 (a) be adopted by the community legislative body after the board's approval of a
2224 resolution under Section ~~[17B-4-407]~~ 17C-2-106; and

2225 (b) designate the approved project area plan as the official ~~[redevelopment, economic~~
2226 ~~development, or education housing development]~~ urban renewal plan of the project area.

2227 Section 61. Section **17C-2-108**, which is renumbered from Section 17B-4-409 is
2228 renumbered and amended to read:

2229 ~~[17B-4-409].~~ **17C-2-108. Notice of urban renewal project area plan**
2230 **adoption -- Effective date of plan -- Contesting the formation of the plan.**

2231 (1) (a) Upon the community legislative body's adoption of [a] an urban renewal project
2232 area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

2233 (i) publishing or causing to be published a notice in a newspaper of general circulation
2234 within the agency's boundaries; or

2235 (ii) if there is no newspaper of general circulation within the agency's boundaries,
2236 causing a notice to be posted in at least three public places within the agency's boundaries.

2237 (b) Each notice under Subsection (1)(a) shall:

2238 (i) set forth the community legislative body's ordinance adopting the project area plan
2239 or a summary of the ordinance; and

2240 (ii) include a statement that the project area plan is available for general public
2241 inspection and the hours for inspection.

2242 (2) The project area plan shall become effective on the date of:
 2243 (a) if notice was published under Subsection (1)(a), publication of the notice; or
 2244 (b) if notice was posted under Subsection (1)(a), posting of the notice.

2245 (3) (a) ~~[(†)]~~ For a period of ~~[60]~~ 30 days after the effective date of the project area plan
 2246 under Subsection (2), any person in interest may ~~[, except as provided in Subsection (3)(a)(ii),]~~
 2247 contest the project area plan or the procedure used to adopt the project area plan if the plan or
 2248 procedure fails to comply with applicable statutory requirements.

2249 ~~[(ii) Notwithstanding Subsection (3)(a)(i), a challenge to a finding of blight may be~~
 2250 ~~made only under Section 17B-4-605.]~~

2251 (b) After the ~~[60-day]~~ 30-day period under Subsection (3)(a)~~[(†)]~~ expires, no person
 2252 may contest the project area plan or procedure used to adopt the project area plan for any cause.

2253 (4) ~~[(a) Except as provided in Subsection (4)(b), upon]~~ Upon adoption of the project
 2254 area plan by the community's legislative body, the agency may carry out the project area plan.

2255 ~~[(b) An agency may not commence implementation of a project area plan more than~~
 2256 ~~three years after the community legislative body adopts the plan, unless the plan is readopted as~~
 2257 ~~if it were an amended project area plan under Section 17B-4-411.]~~

2258 (5) Each agency shall make the adopted project area plan available to the general
 2259 public at its offices during normal business hours.

2260 Section 62. Section **17C-2-109**, which is renumbered from Section 17B-4-410 is
 2261 renumbered and amended to read:

2262 ~~[17B-4-410].~~ **17C-2-109. Agency required to transmit and record**
 2263 **documents after adoption of an urban renewal project area plan.**

2264 Within 30 days after the community legislative body adopts, under Section ~~[17B-4-408]~~
 2265 17C-2-107, ~~[a]~~ an urban renewal project area plan, the agency shall:

2266 (1) record with the recorder of the county in which the project area is located a
 2267 document containing:

2268 (a) a description of the land within the project area;

2269 (b) a statement that the project area plan for the project area has been adopted; and

2270 (c) the date of adoption;

2271 (2) transmit a copy of the description of the land within the project area and an accurate
2272 map or plat indicating the boundaries of the project area to the Automated Geographic
2273 Reference Center created under Section 63F-1-506; and

2274 (3) for a project area plan that provides for the payment of tax increment to the agency,
2275 transmit a copy of the description of the land within the project area, a copy of the community
2276 legislative body ordinance adopting the project area plan, and a map or plat indicating the
2277 boundaries of the project area to:

2278 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
2279 part of the project area is located;

2280 (b) the officer or officers performing the function of auditor or assessor for each taxing
2281 entity that does not use the county assessment roll or collect its taxes through the county;

2282 (c) the legislative body or governing board of each taxing entity;

2283 (d) the State Tax Commission; and

2284 (e) the State Board of Education.

2285 Section 63. Section **17C-2-110**, which is renumbered from Section 17B-4-411 is
2286 renumbered and amended to read:

2287 ~~[17B-4-411].~~ **17C-2-110. Amending an urban renewal project area plan.**

2288 (1) An adopted urban renewal project area plan may be amended as provided in this
2289 section.

2290 [~~(2) Except as provided in Subsection (4)(a), a project area plan may not be amended~~
2291 ~~after March 21, 2005, to enlarge or add to a project area.]~~

2292 (2) If an agency proposes to amend an adopted urban renewal project area plan to
2293 enlarge the project area:

2294 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
2295 a project area plan apply equally to the proposed amendment as if it were a proposed project
2296 area plan;

2297 (b) for a pre-July 1, 1993 project area plan, the base year taxable value for the new area

2298 added to the project area shall be determined under Subsection 17C-1-102(6)(a) using the
2299 effective date of the amended project area plan;

2300 (c) for a post-June 30, 1993 project area plan:

2301 (i) the base year taxable value for the new area added to the project area shall be
2302 determined under Subsection 17C-1-102(6)(b) using the date of the taxing entity committee's
2303 consent referred to in Subsection (2)(c)(ii); and

2304 (ii) the agency shall obtain the consent of the taxing entity committee before the agency
2305 may collect tax increment from the area added to the project area by the amendment;

2306 (d) the agency shall make a finding regarding the existence of blight in the area
2307 proposed to be added to the project area by following the procedure set forth in Subsections
2308 17C-2-102(1)(a)(i) through (iv); and

2309 (e) the agency need not make a finding regarding the existence of blight in the project
2310 area as described in the original project area plan, if the agency made a finding of the existence
2311 of blight regarding that project area in connection with adoption of the original project area
2312 plan.

2313 (3) [Am] If a proposed amendment does not propose to enlarge an urban renewal
2314 project area, an agency board may adopt a resolution approving an amendment to an adopted
2315 project area plan after:

2316 (a) the agency gives notice, as provided in Section [~~17B-4-702~~] 17C-2-502, of the
2317 proposed amendment and of the public hearing required by Subsection (3)(b);

2318 (b) the agency board holds a public hearing on the proposed amendment that meets the
2319 requirements of a plan hearing;

2320 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
2321 amendment proposes:

2322 (i) to enlarge the area within the project area from which tax increment is collected;

2323 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
2324 tax increment for a longer period of time, or both, than allowed under the adopted project area
2325 plan; [~~and~~] or

2326 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to
2327 expand the area from which tax increment is collected to exceed 100 acres of private property;
2328 and

2329 (d) the agency obtains the consent of the legislative body or governing board of each
2330 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
2331 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a
2332 longer period of time, or both, than allowed under the adopted project area plan.

2333 (4) (a) An adopted urban renewal project area plan may be amended without
2334 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and
2335 (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the
2336 amendment:

2337 (i) makes a minor adjustment in the legal description of a project area boundary
2338 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
2339 or

2340 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
2341 because the agency determines that:

2342 (A) the parcel is no longer blighted; or

2343 (B) inclusion of the parcel is no longer necessary or desirable to the project area~~[-and]~~.

2344 (b) An amendment removing a parcel of real property from a project area under
2345 Subsection (4)(a)(ii) may not be made without the consent of the record property owner of the
2346 parcel being removed.

2347 (5) (a) An amendment approved by board resolution under this section may not take
2348 effect until adopted by ordinance of the legislative body of the community in which the project
2349 area that is the subject of the project area plan being amended is located.

2350 (b) Upon a community legislative body passing an ordinance adopting an amendment
2351 to a project area plan, the agency whose project area plan was amended shall comply with the
2352 requirements of Section [~~17B-4-410~~] 17C-2-109 to the same extent as if the amendment were a
2353 project area plan.

2354 Section 64. Section **17C-2-201**, which is renumbered from Section 17B-4-501 is
2355 renumbered and amended to read:

2356 **Part 2. Urban Renewal Project Area Budget**

2357 ~~[17B-4-501].~~ **17C-2-201. Project area budget -- Requirements for**
2358 **adopting -- Contesting the budget or procedure -- Time limit.**

2359 (1) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban
2360 renewal project area plan with tax increment, the agency shall, subject to Section ~~[17B-4-503]~~
2361 17C-2-202, adopt a project area budget as provided in this part.

2362 (2) To adopt ~~[a]~~ an urban renewal project area budget, the agency shall:

2363 (a) prepare a draft of a project area budget;

2364 (b) make a copy of the draft project area budget available to the public at the agency's
2365 offices during normal business hours;

2366 (c) provide notice of the budget hearing as required by Part [7] 5, Urban Renewal
2367 Notice Requirements;

2368 ~~[(d) at least seven days before the budget hearing;]~~

2369 ~~[(i) publish a display advertisement that complies with Section 17B-4-502 in a~~
2370 ~~newspaper that is:]~~

2371 ~~[(A) of general circulation within the county in which the proposed project area is~~
2372 ~~located; and]~~

2373 ~~[(B) to the extent practicable, of general interest and readership and not of limited~~
2374 ~~subject matter; or]~~

2375 ~~[(ii) if there is no newspaper of general circulation within the county in which the~~
2376 ~~proposed project area is located, post a notice that complies with Section 17B-4-502 in at least~~
2377 ~~three conspicuous places within the agency's boundaries;]~~

2378 ~~[(e)]~~ (d) hold a public hearing on the draft project area budget and, at that public
2379 hearing, allow public comment on:

2380 (i) the draft project area budget; and

2381 (ii) whether the draft project area budget should be revised, adopted, or rejected;

2382 ~~[(f)]~~ (e) (i) if required under Subsection ~~[17B-4-505]~~ 17C-2-204(1), obtain the
2383 approval of the taxing entity committee on the draft project area budget or a revised version of
2384 the draft project area budget; or

2385 (ii) if applicable, comply with the requirements of Subsection ~~[17B-4-505]~~
2386 17C-2-204(2); and

2387 ~~[(g)]~~ (f) after the budget hearing, hold a board meeting in the same meeting as the
2388 public hearing or in a subsequent meeting to:

2389 (i) consider comments made and information presented at the public hearing relating to
2390 the draft project area budget; and

2391 (ii) adopt by resolution the draft project area budget, with any revisions, as the project
2392 area budget.

2393 (3) (a) For a period of ~~[60]~~ 30 days after the agency's adoption of the project area
2394 budget under Subsection (2)~~[(g)]~~(f), any person in interest may contest the project area budget
2395 or the procedure used to adopt the project area budget if the budget or procedure fails to
2396 comply with applicable statutory requirements.

2397 (b) After the ~~[60-day]~~ 30-day period under Subsection (3)(a) expires, no person may
2398 contest the project area budget or procedure used to adopt the project area budget for any cause.

2399 Section 65. Section **17C-2-202**, which is renumbered from Section 17B-4-503 is
2400 renumbered and amended to read:

2401 ~~[17B-4-503].~~ **17C-2-202. Combined incremental value -- Restriction**
2402 **against adopting an urban renewal project area budget -- Taxing entity committee may**
2403 **waive restriction.**

2404 ~~[(1) For purposes of this section:]~~

2405 ~~[(a) "Adjusted tax increment" means:]~~

2406 ~~[(i) for tax increment under a pre-July 1, 1993 project area plan, tax increment under~~
2407 ~~Section 17B-4-1003, excluding tax increment under Subsection 17B-4-1003(3); and]~~

2408 ~~[(ii) for tax increment under a post-June 30, 1993 project area plan, tax increment~~
2409 ~~under Section 17B-4-1004, excluding tax increment under Subsection 17B-4-1004(3).]~~

2410 ~~[(b) "Combined incremental value" means the combined total of all incremental values~~
2411 ~~from all project areas, except a military installation project area, within the agency's boundaries~~
2412 ~~under adopted project area plans and adopted project area budgets at the time that a project area~~
2413 ~~budget for a new project area is being considered.]~~

2414 ~~[(c) "Incremental value" means a figure derived by multiplying the marginal value of~~
2415 ~~the property located within a project area on which tax increment is collected by a number that~~
2416 ~~represents the percentage of adjusted tax increment from that project area that is paid to the~~
2417 ~~agency.]~~

2418 ~~[(d) "Marginal value" means the difference between actual taxable value and base~~
2419 ~~taxable value.]~~

2420 ~~[(e) "Military installation project area" means a project area or a portion of a project~~
2421 ~~area located within a federal military installation ordered closed by the federal Defense Base~~
2422 ~~Realignment and Closure Commission.]~~

2423 ~~[(f) "Taxable value" means the value of property as shown on the last equalized~~
2424 ~~assessment roll as certified by the county assessor.]~~

2425 ~~[(2)(a)]~~ (1) Except as provided in Subsection (2)~~[(b)]~~, an agency may not adopt [a] an
2426 urban renewal project area budget if, at the time the urban renewal project area budget is being
2427 considered, the combined incremental value for the agency exceeds 10% of the total taxable
2428 value of property within the agency's boundaries in the year that the urban renewal project area
2429 budget is being considered.

2430 ~~[(b)]~~ (2) A taxing entity committee may waive the restrictions imposed by Subsection
2431 ~~[(2)(a)]~~ (1).

2432 Section 66. Section **17C-2-203**, which is renumbered from Section 17B-4-504 is
2433 renumbered and amended to read:

2434 ~~[17B-4-504].~~ **17C-2-203. Part of tax increment funds in urban renewal**
2435 **project area budget to be used for housing -- Waiver of requirement.**

2436 (1) (a) Except as provided in Subsection (1)(b), each urban renewal project area budget
2437 adopted on or after May 1, 2000 that provides for more than \$100,000 of annual tax increment

2438 to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided
 2439 in Section [~~17B-4-1010~~] 17C-1-412.

2440 (b) The 20% requirement of Subsection (1)(a) may be waived[~~-(i)~~] in part or whole by
 2441 the mutual consent of the loan fund board and the taxing entity committee if they determine
 2442 that 20% of tax increment is more than is needed to address the community's need for income
 2443 targeted housing[~~, as defined in Section 17B-4-1010 ; or,~~

2444 [~~(ii) in fifth and sixth class counties, by the taxing entity committee for economic~~
 2445 ~~development project area budgets adopted on or after May 1, 2002, if the economic~~
 2446 ~~development project area consists of an area without housing units.]~~

2447 (2) [~~A~~] An urban renewal project area budget not required under Subsection (1)(a) to
 2448 allocate tax increment for housing may allocate 20% of tax increment payable to the agency
 2449 over the life of the project area for housing as provided in Section [~~17B-4-1010~~] 17C-1-412 if
 2450 the project area budget is under a project area plan that is adopted on or after July 1, 1998.

2451 Section 67. Section **17C-2-204**, which is renumbered from Section 17B-4-505 is
 2452 renumbered and amended to read:

2453 [~~17B-4-505~~]. **17C-2-204. Consent of taxing entity committee required for**
 2454 **urban renewal project area budget -- Exception.**

2455 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
 2456 agency shall obtain the consent of the taxing entity committee for each urban renewal project
 2457 area budget under a post-June 30, 1993 project area plan before the agency may collect any tax
 2458 increment from the urban renewal project area.

2459 (b) For [~~a~~] an urban renewal project area budget adopted from July 1, 1998 through
 2460 May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in
 2461 Section [~~17B-4-1010~~] 17C-1-412, an agency:

2462 (i) need not obtain the consent of the taxing entity committee for the project area
 2463 budget; and

2464 (ii) may not collect any tax increment from all or part of the project area until after:

2465 (A) the loan fund board has certified the project area budget as complying with the

2466 requirements of Section [~~17B-4-1010~~] 17C-1-412; and

2467 (B) the agency board has approved and adopted the project area budget by a two-thirds
2468 vote.

2469 (2) (a) Before a taxing entity committee may consent to [~~a~~] an urban renewal project
2470 area budget adopted on or after May 1, 2000 that is required under Subsection [~~17B-4-504~~]
2471 17C-2-203(1)(a) to allocate 20% of tax increment for housing, the agency shall:

2472 (i) adopt a housing plan showing the uses for the housing funds; and

2473 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
2474 board.

2475 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
2476 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

2477 Section 68. Section **17C-2-205**, which is renumbered from Section 17B-4-506 is
2478 renumbered and amended to read:

2479 [~~17B-4-506~~]. **17C-2-205. Filing a copy of the urban renewal project area**
2480 **budget.**

2481 Each agency adopting [~~a~~] an urban renewal project area budget shall:

2482 (1) within 30 days after adopting the project area budget, file a copy of the project area
2483 budget with the auditor of the county in which the project area is located, the State Tax
2484 Commission, the state auditor, the State Board of Education, and each taxing entity affected by
2485 the agency's collection of tax increment under the project area budget; and

2486 (2) if the project area budget allocates tax increment for housing under Section
2487 [~~17B-4-1010~~] 17C-1-412, file a copy of the project area budget with the loan fund board.

2488 Section 69. Section **17C-2-206**, which is renumbered from Section 17B-4-507 is
2489 renumbered and amended to read:

2490 [~~17B-4-507~~]. **17C-2-206. Amending an urban renewal project area**
2491 **budget.**

2492 (1) [~~Subject to Subsection (5), an~~] An agency may by resolution amend [~~a~~] an urban
2493 renewal project area budget as provided in this section.

2494 (2) To amend an adopted urban renewal project area budget, the agency shall:

2495 (a) advertise and hold one public hearing on the proposed amendment as provided in
2496 Subsection (3);

2497 (b) obtain the approval of the taxing entity committee if the agency was required under
2498 Section [~~17B-4-505~~] 17C-2-204 to obtain the consent of the taxing entity committee for the
2499 project area budget as originally adopted; and

2500 (c) adopt a resolution amending the project area budget.

2501 (3) The public hearing required under Subsection (2)(a) shall be conducted according
2502 to the procedures and requirements of [~~Sections 17B-4-501 and 17B-4-502~~] Subsections
2503 17C-2-201(2)(c) and (d), except that if the amended project area budget proposes that the
2504 agency be paid a greater proportion of tax increment from a project area than was to be paid
2505 under the previous project area budget, the [~~advertisement~~] notice shall state the percentage
2506 paid under the previous project area budget and the percentage proposed under the amended
2507 project area budget.

2508 (4) If a proposed amendment is not adopted, the agency shall continue to operate under
2509 the previously adopted project area budget without the proposed amendment.

2510 [~~(5) A project area budget may not be amended after March 21, 2005, if the~~
2511 ~~amendment provides for the agency to receive tax increment for a longer period of time than~~
2512 ~~allowed under the project area budget without the amendment.]~~

2513 Section 70. Section **17C-2-301**, which is renumbered from Section 17B-4-602 is
2514 renumbered and amended to read:

2515 **Part 3. Blight Determination in Urban Renewal Project Areas**

2516 [~~17B-4-602~~]. **17C-2-301. Blight study -- Requirements -- Deadline.**

2517 (1) Each blight study required under Subsection [~~17B-4-601~~] 17C-2-102(1)(a)(i) shall:

2518 (a) undertake a parcel by parcel survey of the survey area;

2519 [~~(a)~~] (b) provide data so the board and taxing entity committee may determine:

2520 (i) whether the conditions described in [~~Subsections 17B-4-604(1)(a)(i) and (ii)~~]

2521 Subsection 17C-2-303(1):

2522 (A) exist in part or all of the survey area; and

2523 ~~[(ii) whether the factors listed in Subsection 17B-4-604(1)(a)(iii) are present in the~~

2524 ~~survey area; and]~~

2525 (B) qualify an area within the survey area as a project area; and

2526 ~~[(iii)]~~ (ii) whether the survey area contains all or part of a superfund site;

2527 ~~[(b)]~~ (c) include a written report setting forth:

2528 (i) the conclusions reached; ~~[and]~~

2529 (ii) any recommended area within the survey area qualifying as a project area; and

2530 ~~[(ii)]~~ (iii) any other information requested by the agency to determine whether [~~a~~

2531 ~~redevelopment]~~ an urban renewal project area is feasible; and

2532 ~~[(c)]~~ (d) be completed within one year after the adoption of the survey area resolution.

2533 (2) (a) If a blight study is not completed within one year after the adoption of the

2534 resolution under Subsection ~~[17B-4-401(1)(a)]~~ 17C-2-101(1) designating a survey area, the

2535 agency may not approve ~~[a redevelopment]~~ an urban renewal project area plan based on that

2536 blight study unless it first adopts a new resolution under Subsection ~~[17B-4-401(1)(a)]~~

2537 17C-2-101(1).

2538 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a

2539 resolution under Subsection ~~[17B-4-401(1)(a)]~~ 17C-2-101(1) adopted for the first time, except

2540 that any actions taken toward completing a blight study under the resolution that the new

2541 resolution replaces shall be considered to have been taken under the new resolution.

2542 Section 71. Section **17C-2-302**, which is renumbered from Section 17B-4-603 is

2543 renumbered and amended to read:

2544 ~~[17B-4-603].~~ **17C-2-302. Blight hearing -- Owners may review evidence of**

2545 **blight.**

2546 (1) In each hearing required under Subsection ~~[17B-4-601(1)(c)]~~ 17C-2-102(1)(a)(iii),

2547 the agency shall:

2548 (a) permit all evidence of the existence or nonexistence of blight within the proposed

2549 ~~[redevelopment]~~ urban renewal project area to be presented; and

2550 (b) permit each record owner of property located within the proposed [~~redevelopment~~]
2551 urban renewal project area or the record property owner's representative the opportunity to:

2552 (i) examine and cross-examine witnesses providing evidence of the existence or
2553 nonexistence of blight; and

2554 (ii) present evidence and testimony, including expert testimony, concerning the
2555 existence or nonexistence of blight.

2556 (2) The agency shall allow record owners of property located within a proposed
2557 [~~redevelopment~~] urban renewal project area the opportunity, for at least 30 days before the
2558 hearing, to review the evidence of blight compiled by the agency or by the person or firm
2559 conducting the blight study for the agency, including any expert report.

2560 Section 72. Section **17C-2-303**, which is renumbered from Section 17B-4-604 is
2561 renumbered and amended to read:

2562 [~~17B-4-604~~]. **17C-2-303. Conditions on board determination of blight --**
2563 **Conditions of blight caused by the developer.**

2564 (1) An agency board may not make a finding of blight in a resolution under [~~Section~~
2565 ~~17B-4-604~~] Subsection 17C-2-102(1) unless the board finds that [~~the redevelopment project~~
2566 ~~area~~]:

2567 [~~(a) (i) contains buildings or improvements used or intended to be used for residential,~~
2568 ~~commercial, industrial, or other urban purposes, or any combination of those uses;~~]

2569 [~~(ii) contains buildings or improvements on at least 50% of the number of parcels of~~
2570 ~~private real property whose acreage is at least 50% of the acreage of the private real property~~
2571 ~~within the proposed redevelopment project area; and]~~

2572 [~~(iii) is unfit or unsafe to occupy or may be conducive to ill health, transmission of~~
2573 ~~disease, infant mortality, juvenile delinquency, or crime because of any three or more of the~~
2574 ~~following factors:]~~

2575 [~~(A) defective character of physical construction;~~]

2576 [~~(B) high density of population or overcrowding;~~]

2577 [~~(C) inadequate ventilation, light, or spacing between buildings;~~]

2578 ~~[(D) mixed character and shifting of uses, resulting in obsolescence, deterioration, or~~
2579 ~~dilapidation;]~~

2580 ~~[(E) economic deterioration or continued disuse;]~~

2581 ~~[(F) lots of irregular shape or inadequate size for proper usefulness and development,~~
2582 ~~or laying out of lots in disregard of the contours and other physical characteristics of the ground~~
2583 ~~and surrounding conditions;]~~

2584 ~~[(G) inadequate sanitation or public facilities which may include streets, open spaces,~~
2585 ~~and utilities;]~~

2586 ~~[(H) areas that are subject to being submerged by water; and]~~

2587 ~~[(I) existence of any hazardous or solid waste, defined as any substance defined,~~
2588 ~~regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste,~~
2589 ~~pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the~~
2590 ~~environment under state or federal law or regulation; or]~~

2591 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;
2592 (ii) the proposed project area is currently zoned for urban purposes and generally
2593 served by utilities;

2594 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural
2595 or nonaccessory buildings or improvements used or intended for residential, commercial,
2596 industrial, or other urban purposes, or any combination of those uses;

2597 (iv) the present condition or use of the proposed project area substantially impairs the
2598 sound growth of the municipality, retards the provision of housing accommodations, or
2599 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as
2600 shown by the existence within the proposed project area of at least four of the following
2601 factors:

2602 (A) one of the following, although sometimes interspersed with well maintained
2603 buildings and infrastructure:

2604 (I) substantial physical dilapidation, deterioration, or defective construction of
2605 buildings or infrastructure; or

2606 (II) significant noncompliance with current building code, safety code, health code, or
2607 fire code requirements or local ordinances;

2608 (B) unsanitary or unsafe conditions in the proposed project area that threaten the
2609 health, safety, or welfare of the community;

2610 (C) environmental hazards, as defined in state or federal law, that require remediation
2611 as a condition for current or future use and development;

2612 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
2613 urban use and served by utilities;

2614 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
2615 welfare;

2616 (F) criminal activity in the project area, higher than that of comparable nonblighted
2617 areas in the municipality or county; and

2618 (G) defective or unusual conditions of title rendering the title nonmarketable; and

2619 (v) (A) at least 50% of the parcels within the proposed project area are affected by at
2620 least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and

2621 (B) the affected parcels comprise at least 66% of the acreage of the proposed project
2622 area; or

2623 (b) [is] the proposed project area includes some or all of a superfund site.

2624 (2) No single parcel comprising 10% or more of the acreage of the proposed project
2625 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
2626 that parcel is occupied by buildings or improvements.

2627 ~~[(2)]~~ (3) (a) For purposes of Subsection (1), if a developer involved in the
2628 [redevelopment] urban renewal project [causes] has caused a condition listed in Subsection
2629 (1)(a)[(iii)](iv) within the proposed project area, [the] that condition [caused by the developer]
2630 may not be used in the determination of blight.

2631 (b) Subsection ~~[(2)]~~ (3)(a) does not apply to a condition that was caused by an owner or
2632 tenant who becomes a developer ~~[under Section 17B-4-901].~~

2633 Section 73. Section **17C-2-304**, which is renumbered from Section 17B-4-605 is

2634 renumbered and amended to read:

2635 ~~[17B-4-605].~~ **17C-2-304. Challenging a finding of blight -- Time limit -- De**
2636 **novus review.**

2637 (1) If the board makes a finding of blight under ~~[Section 17B-4-601]~~ Subsection
2638 17C-2-102(1) and that finding is approved by resolution adopted by the taxing entity
2639 committee, a record owner of property located within the proposed ~~[redevelopment]~~ urban
2640 renewal project area may challenge the finding by filing an action with the district court for the
2641 county in which the property is located.

2642 (2) Each challenge under Subsection (1) shall be filed within 30 days after the taxing
2643 entity committee approves the board's finding of blight.

2644 (3) In each action under this section~~[(a)]~~, the district court shall review ~~[de novo]~~ the
2645 finding of blight~~;~~ and under the standards of review provided in Subsection 10-9a-801(3).

2646 ~~[(b) the agency maintains the burden of proof regarding the existence of blight.]~~

2647 Section 74. Section **17C-2-401**, which is renumbered from Section 17B-4-801 is
2648 renumbered and amended to read:

2649 **Part 4. Urban Renewal Hearings**

2650 ~~[17B-4-801].~~ **17C-2-401. Combining hearings.**

2651 A board may combine~~[(1)]~~ any combination of a blight hearing ~~[with a public input~~
2652 ~~hearing; and (2)]~~, a plan hearing ~~[with]~~, and a budget hearing.

2653 Section 75. Section **17C-2-402**, which is renumbered from Section 17B-4-802 is
2654 renumbered and amended to read:

2655 ~~[17B-4-802].~~ **17C-2-402. Continuing a hearing.**

2656 ~~[Pursuant to the provisions of Section 17B-4-705]~~ Subject to Section 17C-2-403, the
2657 board may continue from time to time a:

2658 (1) blight hearing;

2659 ~~[(2) public input hearing;]~~

2660 ~~[(3) combined blight hearing and plan hearing under Subsection 17B-4-801(1);]~~

2661 ~~[(4)]~~ (2) plan hearing;

2662 ~~[(5)]~~ (3) budget hearing; or
2663 ~~[(6)]~~ (4) combined ~~[plan]~~ hearing ~~[and budget hearing]~~ under ~~[Subsection~~
2664 ~~17B-4-801(2)]~~ Section 17C-2-401.
2665 Section 76. Section **17C-2-403**, which is renumbered from Section 17B-4-705 is
2666 renumbered and amended to read:

~~[17B-4-705]~~. 17C-2-403. Notice required for continued hearing.

2668 The board shall give notice of a hearing continued under Section ~~[17B-4-802]~~
2669 17C-2-402 by announcing at the hearing:

2670 (1) the date, time, and place the hearing will be resumed; or

2671 (2) that it is being continued to a later time and causing a notice of the continued
2672 hearing to be:

2673 (a) published once in a newspaper of general circulation within the agency boundaries
2674 at least seven days before the hearing is scheduled to resume; or

2675 (b) if there is no newspaper of general circulation, posted in at least three conspicuous
2676 places within the boundaries of the agency in which the project area or proposed project area is
2677 located.

2678 Section 77. Section **17C-2-501**, which is renumbered from Section 17B-4-701 is
2679 renumbered and amended to read:

Part 5. Urban Renewal Notice Requirements

~~[17B-4-701]~~. 17C-2-501. Agency to provide notice of hearings.

2682 (1) Each agency shall provide notice, as provided in this part, of each:

2683 (a) blight hearing;

2684 ~~[(b) public input hearing;]~~

2685 ~~[(c)]~~ (b) plan hearing; and

2686 ~~[(d)]~~ (c) budget hearing.

2687 (2) ~~[(a)]~~ The notice required under Subsection (1) for ~~[a blight hearing]~~ any of the
2688 hearings listed in that subsection may be combined with the notice required for ~~[a public input~~
2689 hearing if those two] any of the other hearings if the hearings are combined under ~~[Subsection~~

2690 ~~17B-4-801(1)]~~ Section 17C-2-401.

2691 ~~[(b) The notice required under Subsection (1) for a plan hearing may be combined with~~
 2692 ~~the notice required for a budget hearing if those two hearings are combined under Subsection~~
 2693 ~~17B-4-801(2).]~~

2694 Section 78. Section **17C-2-502**, which is renumbered from Section 17B-4-702 is
 2695 renumbered and amended to read:

2696 ~~[17B-4-702].~~ **17C-2-502. Requirements for notice provided by agency.**

2697 (1) The notice required by Section ~~[17B-4-701]~~ 17C-2-501 shall be given by:

2698 (a) (i) publishing one notice, excluding the map referred to in Subsection ~~[(2)]~~ (3)(b),
 2699 in a newspaper of general circulation within the county in which the project area or proposed
 2700 project area is located, at least ~~[once a week for the four successive weeks immediately~~
 2701 ~~preceding]~~ 14 days before the hearing; or

2702 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
 2703 before the hearing in at least three conspicuous places within the county in which the project
 2704 area or proposed project area is located; and

2705 (b) at least 30 days before the hearing:

2706 (i) ~~[sending]~~ mailing notice ~~[by certified mail]~~ to ~~[(A)]~~ each ~~[assessment]~~ record
 2707 owner of property located within the project area or proposed project area; and

2708 ~~[(B) each assessment owner of property located outside but within 300 feet of the~~
 2709 ~~project area or proposed project area;]~~

2710 (ii) mailing notice to:

2711 (A) the State Tax Commission;

2712 (B) the assessor and auditor of the county in which the project area or proposed project
 2713 area is located; and

2714 (C) (I) each member of the taxing entity committee; or

2715 (II) if a taxing entity committee has not yet been formed, the State Board of Education
 2716 and the legislative body or governing board of each taxing entity.

2717 (2) The mailing of the notice to record property owners required under Subsection

2718 (1)(b)(i) shall be conclusively considered to have been properly completed if:

2719 (a) the agency mails the notice to the property owners as shown in the records,
2720 including an electronic database, of the county recorder's office and at the addresses shown in
2721 those records; and

2722 (b) the county recorder's office records used by the agency in identifying owners to
2723 whom the notice is mailed and their addresses were obtained or accessed from the county
2724 recorder's office no earlier than 30 days before the mailing.

2725 ~~[(2)]~~ (3) The agency shall include in each notice required under Section [17B-4-701]
2726 17C-2-501:

2727 (a) (i) a specific description of the boundaries of the project area or proposed project
2728 area; or

2729 (ii) (A) a mailing address or telephone number where a person may request that a copy
2730 of the description be sent at no cost to the person by mail or facsimile transmission; and

2731 (B) if the agency has an Internet website, an Internet address where a person may gain
2732 access to an electronic, printable copy of the description;

2733 (b) a map of the boundaries of the project area or proposed project area;

2734 (c) an explanation of the purpose of the hearing; and

2735 (d) a statement of the date, time, and location of the hearing.

2736 ~~[(3)]~~ (4) The agency shall include in each notice under Subsection (1)(b)(ii):

2737 (a) a statement that property tax revenues resulting from an increase in valuation of
2738 property within the project area or proposed project area will be paid to the agency for
2739 [redevelopment, economic development, or education housing development] urban renewal
2740 purposes rather than to the taxing entity to which the tax revenues would otherwise have been
2741 paid if:

2742 (i) a majority of the taxing entity committee consents to the project area budget; and

2743 (ii) the project area plan provides for the agency to receive tax increment; and

2744 (b) an invitation to the recipient of the notice to submit to the agency comments
2745 concerning the subject matter of the hearing before the date of the hearing.

2746 ~~[(4)]~~ (5) An agency may include in a notice under Subsection (1) any other information
 2747 the agency considers necessary or advisable, including the public purpose served by the project
 2748 and any future tax benefits expected to result from the project.

2749 Section 79. Section **17C-2-503**, which is renumbered from Section 17B-4-703 is
 2750 renumbered and amended to read:

2751 ~~[17B-4-703].~~ **17C-2-503. Additional requirements for notice of a blight**
 2752 **hearing.**

2753 ~~[(1) The first notice to an assessment owner of property within a proposed~~
 2754 ~~redevelopment project area for a public input hearing, blight hearing, or combined public input~~
 2755 ~~and blight hearing under Subsection 17B-4-801(1) shall include the statement required by~~
 2756 ~~Section 17B-4-902.]~~

2757 ~~[(2)]~~ Each notice under Section ~~[17B-4-702]~~ 17C-2-502 for a blight hearing shall
 2758 include a statement that:

2759 ~~[(a)]~~ (1) ~~[a redevelopment]~~ an urban renewal project area is being proposed;

2760 ~~[(b)]~~ (2) the proposed ~~[redevelopment]~~ urban renewal project area may be declared to
 2761 have blight;

2762 ~~[(c)]~~ (3) the record owner of property within the proposed project area has the right to
 2763 present evidence at the blight hearing contesting the existence of blight;

2764 ~~[(d)]~~ (4) except for a hearing continued under Section 17C-2-402, the agency will
 2765 notify the ~~[assessment]~~ record property owners referred to in Subsection ~~[17B-4-702]~~
 2766 17C-2-502(1)(b)(i) of each additional public hearing held by the agency concerning the
 2767 ~~[redevelopment]~~ urban renewal project prior to the adoption of the ~~[redevelopment]~~ urban
 2768 renewal project area plan; and

2769 ~~[(e)]~~ (5) persons contesting the existence of blight in the proposed ~~[redevelopment]~~
 2770 urban renewal project area may appear before the agency board and show cause why the
 2771 proposed ~~[redevelopment]~~ urban renewal project area should not be designated as ~~[a~~
 2772 ~~redevelopment]~~ an urban renewal project area.

2773 Section 80. Section **17C-2-504**, which is renumbered from Section 17B-4-704 is

2774 renumbered and amended to read:

2775 ~~[17B-4-704].~~ **17C-2-504. Additional requirements for notice of a plan**
2776 **hearing.**

2777 Each notice under Section ~~[17B-4-702]~~ 17C-2-502 of a plan hearing shall include:

2778 (1) a statement that any person objecting to the draft project area plan or contesting the
2779 regularity of any of the proceedings to adopt it may appear before the agency board at the
2780 hearing to show cause why the draft project area plan should not be adopted; and

2781 (2) a statement that the proposed project area plan is available for inspection at the
2782 agency offices.

2783 Section 81. Section **17C-2-505**, which is renumbered from Section 17B-4-502 is
2784 renumbered and amended to read:

2785 ~~[17B-4-502].~~ **17C-2-505. Additional requirements for notice of a budget**
2786 **hearing.**

2787 ~~[(1) Each display advertisement published under Subsection 17B-4-501(2)(d) shall~~
2788 ~~appear in a portion of the newspaper other than where legal notices and classified~~
2789 ~~advertisements appear.]~~

2790 [(2)] Each ~~[display advertisement published and]~~ notice ~~[posted]~~ under ~~[Subsection~~
2791 ~~17B-4-501(2)(d)]~~ Section 17C-2-502 of a budget hearing shall contain:

2792 ~~[(a)]~~ (1) the following statement:

2793 ~~["NOTICE OF BUDGET HEARING FOR (NAME OF PROJECT AREA)"]~~

2794 "The (name of agency) has requested \$_____ in property tax revenues that will be
2795 generated by development within the (name of project area) to fund a portion of project costs
2796 within the (name of project area). These property tax revenues will be used for the following:
2797 (list major budget categories and amounts). These property taxes will be taxes levied by the
2798 following governmental entities, and, assuming current tax rates, the taxes paid to the agency
2799 for this project area from each taxing entity will be as follows: (list each taxing entity levying
2800 taxes and the amount of total taxes that would be paid from each taxing entity). All of the
2801 property taxes to be paid to the agency for the development in the project area are taxes that

2802 will be generated only if the project area is developed.

2803 All concerned citizens are invited to attend the project area budget hearing scheduled
2804 for (date, time, and place of hearing). A copy of the (name of project area) project area budget
2805 is available at the offices of (name of agency and office address)."; and

2806 [~~(b)~~] (2) other information that the agency considers appropriate.

2807 Section 82. Section **17C-3-101** is enacted to read:

2808 **CHAPTER 3. ECONOMIC DEVELOPMENT**

2809 **Part 1. Economic Development Project Area Plan**

2810 **17C-3-101. Resolution authorizing the preparation of a draft economic**
2811 **development project area plan -- Request to adopt resolution.**

2812 (1) An agency board may begin the process of adopting an economic development
2813 project area plan by adopting a resolution that authorizes the preparation of a draft project area
2814 plan.

2815 (2) (a) Any person or any group, association, corporation, or other entity may submit a
2816 written request to the board to adopt a resolution under Subsection (1).

2817 (b) A request under Subsection (2)(a) may include plans showing the economic
2818 development proposed for an area within the agency's boundaries.

2819 (c) The board may, in its sole discretion, grant or deny a request under Subsection
2820 (2)(a).

2821 Section 83. Section **17C-3-102** is enacted to read:

2822 **17C-3-102. Process for adopting an economic development project area plan --**
2823 **Prerequisites -- Restrictions.**

2824 (1) In order to adopt an economic development project area plan, after adopting a
2825 resolution under Subsection 17C-3-101(1) the agency shall:

2826 (a) prepare a draft of an economic development project area plan and conduct any
2827 examination, investigation, and negotiation regarding the project area plan that the agency
2828 considers appropriate;

2829 (b) make the draft project area plan available to the public at the agency's offices

2830 during normal business hours;
2831 (c) provide notice of the plan hearing as provided in Part 4, Economic Development
2832 Notice Requirements;
2833 (d) hold a public hearing on the draft project area plan and, at that public hearing:
2834 (i) allow public comment on:
2835 (A) the draft project area plan; and
2836 (B) whether the draft project area plan should be revised, approved, or rejected; and
2837 (ii) receive all written and hear all oral objections to the draft project area plan;
2838 (e) before holding the plan hearing, provide an opportunity for the State Board of
2839 Education and each taxing entity that levies a tax on property within the proposed project area
2840 to consult with the agency regarding the draft project area plan;
2841 (f) after holding the plan hearing, at the same meeting or at a subsequent meeting
2842 consider:
2843 (i) the oral and written objections to the draft project area plan and evidence and
2844 testimony for or against adoption of the draft project area plan; and
2845 (ii) whether to revise, approve, or reject the draft project area plan;
2846 (g) approve the draft project area plan, with or without revisions, as the project area
2847 plan by a resolution that complies with Section 17C-3-105; and
2848 (h) submit the project area plan to the community legislative body for adoption.
2849 (2) An agency may not propose a project area plan under Subsection (1) unless the
2850 community in which the proposed project area is located:
2851 (a) has a planning commission; and
2852 (b) has adopted a general plan under:
2853 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or
2854 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
2855 (3) An agency board may not approve a project area plan more than one year after the
2856 date of the plan hearing.
2857 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be

2858 modified to add real property to the proposed project area unless the board holds a plan hearing
2859 to consider the addition and gives notice of the plan hearing as required under Part 4,
2860 Economic Development Notice Requirements.

2861 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft
2862 project area plan being modified to add real property to the proposed project area if:

2863 (i) the property is contiguous to the property already included in the proposed project
2864 area under the draft project area plan; and

2865 (ii) the record owner of the property consents to adding the real property to the
2866 proposed project area.

2867 Section 84. Section **17C-3-103** is enacted to read:

2868 **17C-3-103. Economic development project area plan requirements.**

2869 (1) Each economic development project area plan and draft project area plan shall:

2870 (a) describe the boundaries of the project area, subject to Section 17C-1-414, if
2871 applicable;

2872 (b) contain a general statement of the land uses, layout of principal streets, population
2873 densities, and building intensities of the project area and how they will be affected by the
2874 economic development;

2875 (c) state the standards that will guide the economic development;

2876 (d) show how the purposes of this title will be attained by the economic development;

2877 (e) be consistent with the general plan of the community in which the project area is
2878 located and show that the economic development will conform to the community's general
2879 plan;

2880 (f) describe how the economic development will create additional jobs;

2881 (g) describe any specific project or projects that are the object of the proposed
2882 economic development;

2883 (h) identify how private developers, if any, will be selected to undertake the economic
2884 development and identify each private developer currently involved in the economic
2885 development process;

2886 (i) state the reasons for the selection of the project area;
2887 (j) describe the physical, social, and economic conditions existing in the project area;
2888 (k) describe any tax incentives offered private entities for facilities located in the
2889 project area;
2890 (l) include an analysis, as provided in Subsection (2), of whether adoption of the
2891 project area plan is beneficial under a benefit analysis;
2892 (m) if any of the existing buildings or uses in the project area are included in or eligible
2893 for inclusion in the National Register of Historic Places or the State Register, state that the
2894 agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency; and
2895 (n) include other information that the agency determines to be necessary or advisable.
2896 (2) Each analysis under Subsection (1)(l) shall consider:
2897 (a) the benefit of any financial assistance or other public subsidy proposed to be
2898 provided by the agency, including:
2899 (i) an evaluation of the reasonableness of the costs of economic development;
2900 (ii) efforts the agency or developer has made or will make to maximize private
2901 investment;
2902 (iii) the rationale for use of tax increment, including an analysis of whether the
2903 proposed development might reasonably be expected to occur in the foreseeable future solely
2904 through private investment; and
2905 (iv) an estimate of the total amount of tax increment that will be expended in
2906 undertaking economic development and the length of time for which it will be expended; and
2907 (b) the anticipated public benefit to be derived from the economic development,
2908 including:
2909 (i) the beneficial influences upon the tax base of the community;
2910 (ii) the associated business and economic activity likely to be stimulated; and
2911 (iii) the number of jobs or employment anticipated to be generated or preserved.
2912 Section 85. Section **17C-3-104** is enacted to read:
2913 **17C-3-104. Existing and historic buildings and uses in an economic development**

2914 **project area.**

2915 If any of the existing buildings or uses in an economic development project area are
2916 included in or eligible for inclusion in the National Register of Historic Places or the State
2917 Register, the agency shall comply with Subsection 9-8-404(1) as though the agency were a state
2918 agency.

2919 Section 86. Section **17C-3-105** is enacted to read:

2920 **17C-3-105. Board resolution approving an economic development project area**
2921 **plan -- Requirements.**

2922 Each board resolution approving a draft economic development project area plan as the
2923 project area plan under Subsection 17C-3-102(1)(g) shall contain:

2924 (1) a legal description of the boundaries of the project area that is the subject of the
2925 project area plan;

2926 (2) the agency's purposes and intent with respect to the project area;

2927 (3) the project area plan incorporated by reference; and

2928 (4) the board findings and determinations that:

2929 (a) there is a need to effectuate a public purpose;

2930 (b) there is a public benefit under the analysis described in Subsection 17C-3-103(2);

2931 (c) it is economically sound and feasible to adopt and carry out the project area plan;

2932 (d) the project area plan conforms to the community's general plan; and

2933 (e) carrying out the project area plan will promote the public peace, health, safety, and
2934 welfare of the community in which the project area is located.

2935 Section 87. Section **17C-3-106** is enacted to read:

2936 **17C-3-106. Economic development project area plan to be adopted by community**
2937 **legislative body.**

2938 (1) An economic development project area plan approved by board resolution under
2939 Subsection 17C-3-102(1)(g) may not take effect until it has been adopted by ordinance of the
2940 legislative body of the community that created the agency and notice under Section 17C-3-107
2941 is provided.

2942 (2) Each ordinance under Subsection (1) shall:

2943 (a) be adopted by the community legislative body after the board's approval of a
2944 resolution under Subsection 17C-3-102(1)(g); and

2945 (b) designate the approved project area plan as the official economic development plan
2946 of the project area.

2947 Section 88. Section **17C-3-107** is enacted to read:

2948 **17C-3-107. Notice of economic development project area plan adoption --**

2949 **Effective date of plan -- Contesting the formation of the plan.**

2950 (1) (a) Upon the community legislative body's adoption of an economic development
2951 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

2952 (i) publishing or causing to be published a notice in a newspaper of general circulation
2953 within the agency's boundaries; or

2954 (ii) if there is no newspaper of general circulation within the agency's boundaries,
2955 causing a notice to be posted in at least three public places within the agency's boundaries.

2956 (b) Each notice under Subsection (1)(a) shall:

2957 (i) set forth the community legislative body's ordinance adopting the project area plan
2958 or a summary of the ordinance; and

2959 (ii) include a statement that the project area plan is available for general public
2960 inspection and the hours for inspection.

2961 (2) The project area plan shall become effective on the date of:

2962 (a) if notice was published under Subsection (1)(a), publication of the notice; or

2963 (b) if notice was posted under Subsection (1)(a), posting of the notice.

2964 (3) (a) For a period of 30 days after the effective date of the project area plan under

2965 Subsection (2), any person in interest may contest the project area plan or the procedure used to

2966 adopt the project area plan if the plan or procedure fails to comply with applicable statutory
2967 requirements.

2968 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
2969 project area plan or procedure used to adopt the project area plan for any cause.

2970 (4) Upon adoption of the economic development project area plan by the community's
2971 legislative body, the agency may carry out the project area plan.

2972 (5) Each agency shall make the adopted economic development project area plan
2973 available to the general public at its offices during normal business hours.

2974 Section 89. Section **17C-3-108** is enacted to read:

2975 **17C-3-108. Agency required to transmit and record documents after adoption of**
2976 **economic development project area plan.**

2977 Within 30 days after the community legislative body adopts, under Section 17C-3-106,
2978 an economic development project area plan, the agency shall:

2979 (1) record with the recorder of the county in which the economic development project
2980 area is located a document containing:

2981 (a) a description of the land within the project area;

2982 (b) a statement that the project area plan for the project area has been adopted; and

2983 (c) the date of adoption;

2984 (2) transmit a copy of the description of the land within the project area and an accurate
2985 map or plat indicating the boundaries of the project area to the Automated Geographic
2986 Reference Center created under Section 63F-1-506; and

2987 (3) for a project area plan that provides for the payment of tax increment to the agency,
2988 transmit a copy of the description of the land within the project area, a copy of the community
2989 legislative body ordinance adopting the project area plan, and a map or plat indicating the
2990 boundaries of the project area to:

2991 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
2992 part of the project area is located;

2993 (b) the officer or officers performing the function of auditor or assessor for each taxing
2994 entity that does not use the county assessment roll or collect its taxes through the county;

2995 (c) the legislative body or governing board of each taxing entity;

2996 (d) the State Tax Commission; and

2997 (e) the State Board of Education.

2998 Section 90. Section **17C-3-109** is enacted to read:

2999 **17C-3-109. Amending an economic development project area plan.**

3000 (1) An adopted economic development project area plan may be amended as provided
3001 in this section.

3002 (2) If an agency proposes to amend an adopted economic development project area
3003 plan to enlarge the project area:

3004 (a) the requirements under this part that apply to adopting a project area plan apply
3005 equally to the proposed amendment as if it were a proposed project area plan;

3006 (b) the base year taxable value for the new area added to the project area shall be
3007 determined under Subsection 17C-1-102(6)(b) using the date of the taxing entity committee's
3008 consent referred to in Subsection (2)(c); and

3009 (c) the agency shall obtain the consent of the taxing entity committee before the agency
3010 may collect tax increment from the area added to the project area by the amendment.

3011 (3) If a proposed amendment does not propose to enlarge an economic development
3012 project area, an agency board may adopt a resolution approving an amendment to an adopted
3013 project area plan after:

3014 (a) the agency gives notice, as provided in Section 17C-3-402, of the proposed
3015 amendment and of the public hearing required by Subsection (3)(b);

3016 (b) the agency board holds a public hearing on the proposed amendment that meets the
3017 requirements of a plan hearing;

3018 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
3019 amendment proposes:

3020 (i) to enlarge the area within the project area from which tax increment is collected; or

3021 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
3022 tax increment for a longer period of time than allowed under the adopted project area plan; and

3023 (d) the agency obtains the consent of the legislative body or governing board of each
3024 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
3025 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a

3026 longer period of time, or both, than allowed under the adopted project area plan.

3027 (4) (a) An adopted project area plan may be amended without complying with the
3028 notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without
3029 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

3030 (i) makes a minor adjustment in the legal description of a project area boundary
3031 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
3032 or

3033 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
3034 because the agency determines that inclusion of the parcel is no longer necessary or desirable to
3035 the project area.

3036 (b) An amendment removing a parcel of real property from a project area under
3037 Subsection (4)(a) may not be made without the consent of the record property owner of the
3038 parcel being removed.

3039 (5) (a) An amendment approved by board resolution under this section may not take
3040 effect until adopted by ordinance of the legislative body of the community in which the project
3041 area that is the subject of the project area plan being amended is located.

3042 (b) Upon a community legislative body passing an ordinance adopting an amendment
3043 to a project area plan, the agency whose project area plan was amended shall comply with the
3044 requirements of Section 17C-3-108 to the same extent as if the amendment were a project area
3045 plan.

3046 Section 91. Section **17C-3-201** is enacted to read:

3047 **Part 2. Economic Development Project Area Budget**

3048 **17C-3-201. Economic development project area budget -- Requirements for**
3049 **adopting -- Contesting the budget or procedure -- Time limit.**

3050 (1) If an agency anticipates funding all or a portion of a post-June 30, 1993 economic
3051 development project area plan with tax increment, the agency shall, subject to Section
3052 17C-3-202, adopt a project area budget as provided in this part.

3053 (2) To adopt an economic development project area budget, the agency shall:

3054 (a) prepare a draft of an economic development project area budget;
3055 (b) make a copy of the draft project area budget available to the public at the agency's
3056 offices during normal business hours;
3057 (c) provide notice of the budget hearing as required by Part 4, Economic Development
3058 Notice Requirements;
3059 (d) hold a public hearing on the draft project area budget and, at that public hearing,
3060 allow public comment on:
3061 (i) the draft project area budget; and
3062 (ii) whether the draft project area budget should be revised, adopted, or rejected;
3063 (e) (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing
3064 entity committee on the draft project area budget or a revised version of the draft project area
3065 budget; or
3066 (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2); and
3067 (f) after the budget hearing, hold a board meeting in the same meeting as the public
3068 hearing or in a subsequent meeting to:
3069 (i) consider comments made and information presented at the public hearing relating to
3070 the draft project area budget; and
3071 (ii) adopt by resolution the draft project area budget, with any revisions, as the project
3072 area budget.
3073 (3) (a) For a period of 30 days after the agency's adoption of the project area budget
3074 under Subsection (2)(f), any person in interest may contest the project area budget or the
3075 procedure used to adopt the project area budget if the budget or procedure fails to comply with
3076 applicable statutory requirements.
3077 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
3078 project area budget or procedure used to adopt the project area budget for any cause.
3079 Section 92. Section **17C-3-202** is enacted to read:
3080 **17C-3-202. Part of tax increment funds in an economic development project area**
3081 **budget to be used for housing -- Waiver of requirement.**

3082 (1) (a) Except as provided in Subsection (1)(b), each economic development project
3083 area budget adopted on or after May 1, 2000 that provides for more than \$100,000 of annual
3084 tax increment to be paid to the agency shall allocate at least 20% of the tax increment for
3085 housing as provided in Section 17C-1-412.

3086 (b) The 20% requirement of Subsection (1)(a) may be waived:

3087 (i) in part or whole by the mutual consent of the loan fund board and the taxing entity
3088 committee if they determine that 20% of tax increment is more than is needed to address the
3089 community's need for income targeted housing; or

3090 (ii) in fifth and sixth class counties, by the taxing entity committee for economic
3091 development project area budgets adopted on or after May 1, 2002, if the economic
3092 development project area consists of an area without housing units.

3093 (2) An economic development project area budget not required under Subsection (1)(a)
3094 to allocate tax increment for housing may allocate 20% of tax increment payable to the agency
3095 over the life of the project area for housing as provided in Section 17C-1-412 if the project area
3096 budget is under a project area plan that is adopted on or after July 1, 1998.

3097 Section 93. Section **17C-3-203** is enacted to read:

3098 **17C-3-203. Consent of taxing entity committee required for economic**
3099 **development project area budget -- Exception.**

3100 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
3101 agency shall obtain the consent of the taxing entity committee for each economic development
3102 project area budget under a post-June 30, 1993 economic development project area plan before
3103 the agency may collect any tax increment from the project area.

3104 (b) For an economic development project area budget adopted from July 1, 1998
3105 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided
3106 in Section 17C-1-412, an agency:

3107 (i) need not obtain the consent of the taxing entity committee for the project area
3108 budget; and

3109 (ii) may not collect any tax increment from all or part of the project area until after:

3110 (A) the loan fund board has certified the project area budget as complying with the
3111 requirements of Section 17C-1-412; and

3112 (B) the agency board has approved and adopted the project area budget by a two-thirds
3113 vote.

3114 (2) (a) Before a taxing entity committee may consent to an economic development
3115 project area budget adopted on or after May 1, 2000 that is required under Subsection
3116 17C-3-202(1)(a) to allocate 20% of tax increment for housing, the agency shall:

3117 (i) adopt a housing plan showing the uses for the housing funds; and

3118 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
3119 board.

3120 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
3121 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

3122 Section 94. Section **17C-3-204** is enacted to read:

3123 **17C-3-204. Filing a copy of the economic development project area budget.**

3124 Each agency adopting an economic development project area budget shall:

3125 (1) within 30 days after adopting the project area budget, file a copy of the project area
3126 budget with the auditor of the county in which the project area is located, the State Tax
3127 Commission, the state auditor, the State Board of Education, and each taxing entity affected by
3128 the agency's collection of tax increment under the project area budget; and

3129 (2) if the project area budget allocates tax increment for housing under Section
3130 17C-1-412, file a copy of the project area budget with the loan fund board.

3131 Section 95. Section **17C-3-205** is enacted to read:

3132 **17C-3-205. Amending an economic development project area budget.**

3133 (1) An agency may by resolution amend an economic development project area budget
3134 as provided in this section.

3135 (2) To amend an adopted economic development project area budget, the agency shall:

3136 (a) advertise and hold one public hearing on the proposed amendment as provided in
3137 Subsection (3);

3138 (b) obtain the approval of the taxing entity committee if the agency was required under
3139 Section 17C-3-203 to obtain the consent of the taxing entity committee for the project area
3140 budget as originally adopted; and

3141 (c) adopt a resolution amending the project area budget.

3142 (3) The public hearing required under Subsection (2)(a) shall be conducted according
3143 to the procedures and requirements of Section 17C-3-201, except that if the amended project
3144 area budget proposes that the agency be paid a greater proportion of tax increment from a
3145 project area than was to be paid under the previous project area budget, the notice shall state
3146 the percentage paid under the previous project area budget and the percentage proposed under
3147 the amended project area budget.

3148 (4) If a proposed amendment is not adopted, the agency shall continue to operate under
3149 the previously adopted economic development project area budget without the proposed
3150 amendment.

3151 Section 96. Section **17C-3-301** is enacted to read:

3152 **Part 3. Economic Development Hearings**

3153 **17C-3-301. Combining hearings.**

3154 A board may combine a plan hearing with a budget hearing.

3155 Section 97. Section **17C-3-302** is enacted to read:

3156 **17C-3-302. Continuing a hearing.**

3157 Subject to Section 17C-3-303, the board may continue from time to time a:

3158 (1) plan hearing;

3159 (2) budget hearing; or

3160 (3) combined plan hearing and budget hearing under Section 17C-3-301.

3161 Section 98. Section **17C-3-303** is enacted to read:

3162 **17C-3-303. Notice required for continued hearing.**

3163 The board shall give notice of a hearing continued under Section 17C-3-302 by
3164 announcing at the hearing:

3165 (1) the date, time, and place the hearing will be resumed; or

3166 (2) that it is being continued to a later time and causing a notice of the continued
3167 hearing to be:

3168 (a) published once in a newspaper of general circulation within the agency boundaries
3169 at least seven days before the hearing is scheduled to resume; or

3170 (b) if there is no newspaper of general circulation, posted in at least three conspicuous
3171 places within the boundaries of the agency in which the project area or proposed project area is
3172 located.

3173 Section 99. Section **17C-3-401** is enacted to read:

3174 **Part 4. Economic Development Notice Requirements**

3175 **17C-3-401. Agency to provide notice of hearings.**

3176 (1) Each agency shall provide notice, as provided in this part, of each:

3177 (a) plan hearing; and

3178 (b) budget hearing.

3179 (2) The notice required under Subsection (1) for a plan hearing may be combined with
3180 the notice required for a budget hearing if those two hearings are combined under Section
3181 17C-3-301.

3182 Section 100. Section **17C-3-402** is enacted to read:

3183 **17C-3-402. Requirements for notice provided by agency.**

3184 (1) The notice required by Section 17C-3-401 shall be given by:

3185 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
3186 newspaper of general circulation within the county in which the project area or proposed
3187 project area is located, at least 14 days before the hearing; or

3188 (ii) if there is no newspaper of general circulation, posting notice in at least three
3189 conspicuous places within the county in which the project area or proposed project area is
3190 located; and

3191 (b) at least 30 days before the hearing, mailing notice to:

3192 (i) each record owner of property located within the project area or proposed project
3193 area;

3194 (ii) the State Tax Commission;
3195 (iii) the assessor and auditor of the county in which the project area or proposed project
3196 area is located; and
3197 (iv) (A) each member of the taxing entity committee; or
3198 (B) if a taxing entity committee has not yet been formed, the State Board of Education
3199 and the legislative body or governing board of each taxing entity.
3200 (2) The mailing of notice to record property owners required under Subsection (1)(b)(i)
3201 shall be conclusively considered to have been properly completed if:
3202 (a) the agency mails the notice to the property owners as shown in the records,
3203 including an electronic database, of the county recorder's office and at the addresses shown in
3204 those records; and
3205 (b) the county recorder's office records used by the agency in identifying owners to
3206 whom the notice is mailed and their addresses were obtained or accessed from the county
3207 recorder's office no earlier than 30 days before the mailing.
3208 (3) The agency shall include in each notice required under Section 17C-3-401:
3209 (a) (i) a specific description of the boundaries of the economic development project
3210 area or proposed project area; or
3211 (ii) (A) a mailing address or telephone number where a person may request that a copy
3212 of the description be sent at no cost to the person by mail or facsimile transmission; and
3213 (B) if the agency has an Internet website, an Internet address where a person may gain
3214 access to an electronic, printable copy of the description;
3215 (b) a map of the boundaries of the project area or proposed project area;
3216 (c) an explanation of the purpose of the hearing; and
3217 (d) a statement of the date, time, and location of the hearing.
3218 (4) The agency shall include in each notice under Subsections (1)(b)(ii), (iii), and (iv):
3219 (a) a statement that property tax revenues resulting from an increase in valuation of
3220 property within the economic development project area or proposed project area will be paid to
3221 the agency for economic development purposes rather than to the taxing entity to which the tax

3222 revenues would otherwise have been paid if:

3223 (i) a majority of the taxing entity committee consents to the project area budget; and

3224 (ii) the project area plan provides for the agency to receive tax increment; and

3225 (b) an invitation to the recipient of the notice to submit to the agency comments

3226 concerning the subject matter of the hearing before the date of the hearing.

3227 (5) An agency may include in a notice under Subsection (1) any other information the

3228 agency considers necessary or advisable, including the public purpose served by the project and

3229 any future tax benefits expected to result from the project.

3230 Section 101. Section **17C-3-403** is enacted to read:

3231 **17C-3-403. Additional requirements for notice of a plan hearing.**

3232 Each notice under Section 17C-3-402 of a plan hearing shall include:

3233 (1) a statement that any person objecting to the draft project area plan or contesting the

3234 regularity of any of the proceedings to adopt it may appear before the agency board at the

3235 hearing to show cause why the draft project area plan should not be adopted; and

3236 (2) a statement that the proposed economic development project area plan is available

3237 for inspection at the agency offices.

3238 Section 102. Section **17C-3-404** is enacted to read:

3239 **17C-3-404. Additional requirements for notice of a budget hearing.**

3240 Each notice under Subsection 17C-3-201(2)(c) of a budget hearing shall contain:

3241 (1) the following statement:

3242 "The (name of agency) has requested \$ _____ in property tax revenues that will be

3243 generated by development within the (name of project area) to fund a portion of project costs

3244 within the (name of project area). These property tax revenues will be used for the following:

3245 (list major budget categories and amounts). These property taxes will be taxes levied by the

3246 following governmental entities, and, assuming current tax rates, the taxes paid to the agency

3247 for this project area from each taxing entity will be as follows: (list each taxing entity levying

3248 taxes and the amount of total taxes that would be paid from each taxing entity). All of the

3249 property taxes to be paid to the agency for the economic development in the project area are

3250 taxes that will be generated only if the project area is developed.

3251 All concerned citizens are invited to attend the project area budget hearing scheduled
3252 for (date, time, and place of hearing). A copy of the (name of project area) project area budget
3253 is available at the offices of (name of agency and office address)."; and

3254 (2) other information that the agency considers appropriate.

3255 Section 103. Section **17C-4-101** is enacted to read:

3256 **CHAPTER 4. COMMUNITY DEVELOPMENT**

3257 **Part 1. Community Development Project Area Plan**

3258 **17C-4-101. Resolution authorizing the preparation of a community development**
3259 **draft project area plan -- Request to adopt resolution.**

3260 (1) An agency board may begin the process of adopting a community development
3261 project area plan by adopting a resolution that authorizes the preparation of a draft community
3262 development project area plan.

3263 (2) (a) Any person or any group, association, corporation, or other entity may submit a
3264 written request to the board to adopt a resolution under Subsection (1).

3265 (b) A request under Subsection (2)(a) may include plans showing the community
3266 development proposed for an area within the agency's boundaries.

3267 (c) The board may, in its sole discretion, grant or deny a request under Subsection
3268 (2)(a).

3269 Section 104. Section **17C-4-102** is enacted to read:

3270 **17C-4-102. Process for adopting a community development project area plan --**
3271 **Prerequisites -- Restrictions.**

3272 (1) In order to adopt a community development project area plan, after adopting a
3273 resolution under Subsection 17C-4-101(1) the agency shall:

3274 (a) prepare a draft of a community development project area plan and conduct any
3275 examination, investigation, and negotiation regarding the project area plan that the agency
3276 considers appropriate;

3277 (b) make the draft project area plan available to the public at the agency's offices

- 3278 during normal business hours;
- 3279 (c) provide notice of the plan hearing as provided in Section 17C-4-402;
- 3280 (d) hold a public hearing on the draft project area plan and, at that public hearing:
- 3281 (i) allow public comment on:
- 3282 (A) the draft project area plan; and
- 3283 (B) whether the draft project area plan should be revised, approved, or rejected; and
- 3284 (ii) receive all written and hear all oral objections to the draft project area plan;
- 3285 (e) after holding the plan hearing, at the same meeting or at one or more subsequent
- 3286 meetings consider:
- 3287 (i) the oral and written objections to the draft project area plan and evidence and
- 3288 testimony for or against adoption of the draft project area plan; and
- 3289 (ii) whether to revise, approve, or reject the draft project area plan;
- 3290 (f) approve the draft project area plan, with or without revisions, as the project area
- 3291 plan by a resolution that complies with Section 17C-4-104; and
- 3292 (g) submit the project area plan to the community legislative body for adoption.
- 3293 (2) An agency may not propose a community development project area plan under
- 3294 Subsection (1) unless the community in which the proposed project area is located:
- 3295 (a) has a planning commission; and
- 3296 (b) has adopted a general plan under:
- 3297 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or
- 3298 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- 3299 (3) (a) Except as provided in Subsection (3)(b), a draft project area plan may not be
- 3300 modified to add real property to the proposed project area unless the board holds a plan hearing
- 3301 to consider the addition and gives notice of the plan hearing as required under Section
- 3302 17C-4-402.
- 3303 (b) The notice and hearing requirements under Subsection (3)(a) do not apply to a draft
- 3304 project area plan being modified to add real property to the proposed project area if:
- 3305 (i) the property is contiguous to the property already included in the proposed project

3306 area under the draft project area plan; and

3307 (ii) the record owner of the property consents to adding the real property to the
3308 proposed project area.

3309 Section 105. Section **17C-4-103** is enacted to read:

3310 **17C-4-103. Community development project area plan requirements.**

3311 Each community development project area plan and draft project area plan shall:

3312 (1) describe the boundaries of the project area, subject to Section 17C-1-414, if
3313 applicable;

3314 (2) contain a general statement of the land uses, layout of principal streets, population
3315 densities, and building intensities of the project area and how they will be affected by the
3316 community development;

3317 (3) state the standards that will guide the community development;

3318 (4) show how the purposes of this title will be attained by the community development;

3319 (5) be consistent with the general plan of the community in which the project area is
3320 located and show that the community development will conform to the community's general
3321 plan;

3322 (6) describe any specific project or projects that are the object of the proposed
3323 community development;

3324 (7) identify how private developers, if any, will be selected to undertake the
3325 community development and identify each private developer currently involved in the
3326 community development process;

3327 (8) state the reasons for the selection of the project area;

3328 (9) describe the physical, social, and economic conditions existing in the project area;

3329 (10) describe any tax incentives offered private entities for facilities located in the
3330 project area;

3331 (11) include an analysis or description of the anticipated public benefit to be derived
3332 from the community development, including:

3333 (a) the beneficial influences upon the tax base of the community; and

3334 (b) the associated business and economic activity likely to be stimulated; and
3335 (12) include other information that the agency determines to be necessary or advisable.
3336 Section 106. Section **17C-4-104** is enacted to read:

3337 **17C-4-104. Board resolution approving a community development project area**
3338 **plan -- Requirements.**

3339 Each board resolution approving a draft community development project area plan as
3340 the project area plan under Subsection 17C-4-102(1)(f) shall contain:

3341 (1) a legal description of the boundaries of the project area that is the subject of the
3342 project area plan;

3343 (2) the agency's purposes and intent with respect to the project area;

3344 (3) the project area plan incorporated by reference; and

3345 (4) the board findings and determinations that adoption of the community development
3346 project area plan will:

3347 (a) satisfy a public purpose;

3348 (b) provide a public benefit as shown by the analysis described in Subsection
3349 17C-4-103(11);

3350 (c) be economically sound and feasible;

3351 (d) conform to the community's general plan; and

3352 (e) promote the public peace, health, safety, and welfare of the community in which the
3353 project area is located.

3354 Section 107. Section **17C-4-105** is enacted to read:

3355 **17C-4-105. Community development plan to be adopted by community legislative**
3356 **body.**

3357 (1) A community development project area plan approved by board resolution under
3358 Section 17C-4-104 may not take effect until it has been adopted by ordinance of the legislative
3359 body of the community that created the agency and notice under Section 17C-4-106 is
3360 provided.

3361 (2) Each ordinance under Subsection (1) shall:

3362 (a) be adopted by the community legislative body after the board's approval of a
3363 resolution under Section 17C-4-104; and

3364 (b) designate the approved project area plan as the official community development
3365 plan of the project area.

3366 Section 108. Section **17C-4-106** is enacted to read:

3367 **17C-4-106. Notice of community development project area plan adoption --**
3368 **Effective date of plan -- Contesting the formation of the plan.**

3369 (1) (a) Upon the community legislative body's adoption of a community development
3370 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

3371 (i) publishing or causing to be published a notice in a newspaper of general circulation
3372 within the agency's boundaries; or

3373 (ii) if there is no newspaper of general circulation within the agency's boundaries,
3374 causing a notice to be posted in at least three public places within the agency's boundaries.

3375 (b) Each notice under Subsection (1)(a) shall:

3376 (i) set forth the community legislative body's ordinance adopting the community
3377 development project area plan or a summary of the ordinance; and

3378 (ii) include a statement that the project area plan is available for general public
3379 inspection and the hours for inspection.

3380 (2) The community development project area plan shall become effective on the date
3381 of:

3382 (a) if notice was published under Subsection (1)(a), publication of the notice; or

3383 (b) if notice was posted under Subsection (1)(a), posting of the notice.

3384 (3) (a) For a period of 30 days after the effective date of the community development
3385 project area plan under Subsection (2), any person in interest may contest the project area plan
3386 or the procedure used to adopt the project area plan if the plan or procedure fails to comply
3387 with applicable statutory requirements.

3388 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
3389 community development project area plan or procedure used to adopt the project area plan for

3390 any cause.

3391 (4) Upon adoption of the community development project area plan by the
3392 community's legislative body, the agency may carry out the project area plan.

3393 (5) Each agency shall make the adopted project area plan available to the general
3394 public at its offices during normal business hours.

3395 Section 109. Section **17C-4-107** is enacted to read:

3396 **17C-4-107. Agency required to transmit and record documents after adoption of**
3397 **community development project area plan.**

3398 Within 30 days after the community legislative body adopts, under Section 17C-4-105,
3399 a community development project area plan, the agency shall:

3400 (1) record with the recorder of the county in which the project area is located a
3401 document containing:

3402 (a) a description of the land within the project area;

3403 (b) a statement that the project area plan for the project area has been adopted; and

3404 (c) the date of adoption;

3405 (2) transmit a copy of the description of the land within the project area and an accurate
3406 map or plat indicating the boundaries of the project area to the Automated Geographic
3407 Reference Center created under Section 63F-1-506; and

3408 (3) for a project area plan that provides for the payment of tax increment to the agency,
3409 transmit a copy of the description of the land within the project area, a copy of the community
3410 legislative body ordinance adopting the project area plan, and a map or plat indicating the
3411 boundaries of the project area to:

3412 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
3413 part of the project area is located;

3414 (b) the officer or officers performing the function of auditor or assessor for each taxing
3415 entity that does not use the county assessment roll or collect its taxes through the county;

3416 (c) the legislative body or governing board of each taxing entity;

3417 (d) the State Tax Commission; and

3418 (e) the State Board of Education.

3419 Section 110. Section **17C-4-108** is enacted to read:

3420 **17C-4-108. Amending a community development project area plan.**

3421 (1) Except as provided in Subsection (2), the requirements under this part that apply to
3422 adopting a community development project area plan apply equally to a proposed amendment
3423 of a community development project area plan as though the amendment were a proposed
3424 project area plan.

3425 (2) (a) Notwithstanding Subsection (1), an adopted project area plan may be amended
3426 without complying with the notice and public hearing requirements of this part if the proposed
3427 amendment:

3428 (i) makes a minor adjustment in the legal description of a project area boundary
3429 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
3430 or

3431 (ii) subject to Subsection (2)(b), removes a parcel of real property from a project area
3432 because the agency determines that inclusion of the parcel is no longer necessary or desirable to
3433 the project area.

3434 (b) An amendment removing a parcel of real property from a community development
3435 project area under Subsection (2)(a)(ii) may not be made without the consent of the record
3436 property owner of the parcel being removed.

3437 (3) (a) An amendment approved by board resolution under this section may not take
3438 effect until adopted by ordinance of the legislative body of the community in which the project
3439 area that is the subject of the project area plan being amended is located.

3440 (b) Upon a community legislative body passing an ordinance adopting an amendment
3441 to a community development project area plan, the agency whose project area plan was
3442 amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the
3443 same extent as if the amendment were a project area plan.

3444 Section 111. Section **17C-4-201** is enacted to read:

3445 **Part 2. Funds for Community Development Project from Other Entities**

3446 **17C-4-201. Consent of a taxing entity or public agency to an agency receiving tax**
3447 **increment or sales tax funds for community development project.**

3448 (1) An agency may negotiate with a taxing entity and public agency for the taxing
3449 entity's or public agency's consent to the agency receiving the entity's or public agency's tax
3450 increment or sales tax revenues, or both, for the purpose of providing funds to carry out a
3451 proposed or adopted community development project area plan.

3452 (2) The consent of a taxing entity or public agency under Subsection (1) may be
3453 expressed in:

3454 (a) a resolution adopted by the taxing entity or public agency; or

3455 (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act,
3456 between the taxing entity or public agency and the agency.

3457 (3) A school district may consent to an agency receiving tax increment from the school
3458 district's basic levy only to the extent that the school district also consents to the agency
3459 receiving tax increment from the school district's local levy.

3460 (4) (a) A resolution or interlocal agreement under this section may be amended from
3461 time to time.

3462 (b) Each amendment of a resolution or interlocal agreement shall be subject to and
3463 receive the benefits of the provisions of this part to the same extent as if the amendment were
3464 an original resolution or interlocal agreement.

3465 (5) A taxing entity's or public agency's consent to an agency receiving funds under this
3466 section is not subject to the requirements of Section 10-8-2.

3467 Section 112. Section **17C-4-202** is enacted to read:

3468 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
3469 **community development project area plan -- Notice -- Effective date of resolution or**
3470 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
3471 **of resolution or interlocal agreement.**

3472 (1) The approval and adoption of each resolution or interlocal agreement under
3473 Subsection 17C-4-201(2) shall be in an open and public meeting.

3474 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
3475 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:
3476 (i) publishing or causing to be published a notice in a newspaper of general circulation
3477 within the agency's boundaries; or
3478 (ii) if there is no newspaper of general circulation within the agency's boundaries,
3479 causing a notice to be posted in at least three public places within the agency's boundaries.
3480 (b) Each notice under Subsection (2)(a) shall:
3481 (i) set forth a summary of the resolution or interlocal agreement; and
3482 (ii) include a statement that the resolution or interlocal agreement is available for
3483 general public inspection and the hours of inspection.
3484 (3) The resolution or interlocal agreement shall become effective on the date of:
3485 (a) if notice was published under Subsection (2)(a), publication of the notice; or
3486 (b) if notice was posted under Subsection (2)(a), posting of the notice.
3487 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
3488 agreement under Subsection (3), any person in interest may contest the resolution or interlocal
3489 agreement or the procedure used to adopt the resolution or interlocal agreement if the
3490 resolution or interlocal agreement or procedure fails to comply with applicable statutory
3491 requirements.
3492 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the
3493 interlocal agreement for any cause.
3494 (5) Each agency that is to receive funds under a resolution or interlocal agreement
3495 under Section 17C-4-201 and each taxing entity or public agency that approves a resolution or
3496 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or
3497 interlocal agreement, as the case may be, available at its offices to the general public for
3498 inspection and copying during normal business hours.
3499 Section 113. Section **17C-4-203** is enacted to read:
3500 **17C-4-203. Requirement to file a copy of the resolution or interlocal agreement --**
3501 **County payment of tax increment to the agency.**

3502 (1) Each agency that is to receive funds under a resolution or interlocal agreement
3503 under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or
3504 interlocal agreement, file a copy of it with:

3505 (a) the State Tax Commission, the State Board of Education, and the state auditor; and
3506 (b) the auditor of the county in which the project area is located, if the resolution or
3507 interlocal agreement provides for the agency to receive tax increment from the taxing entity or
3508 public agency that adopted the resolution or entered into the interlocal agreement.

3509 (2) Each county that collects property tax on property within a community
3510 development project area shall, in the manner and at the time provided in Section 59-2-1365,
3511 pay and distribute to the agency the tax increment that the agency is entitled to receive under a
3512 resolution approved or an interlocal agreement adopted under Section 17C-4-201.

3513 Section 114. Section **17C-4-204** is enacted to read:

3514 **17C-4-204. Adoption of a budget for a community development project area plan**
3515 **-- Amendment.**

3516 (1) An agency may prepare and, by resolution adopted at a regular or special meeting
3517 of the agency board, adopt a budget setting forth:

3518 (a) the anticipated costs, including administrative costs, of implementing the
3519 community development project area plan; and

3520 (b) the tax increment, sales tax, and other revenue the agency anticipates receiving to
3521 fund the project.

3522 (2) An agency may, by resolution adopted at a regular or special meeting of the agency
3523 board, amend a budget adopted under Subsection (1).

3524 (3) Each resolution to adopt or amend a budget under this section shall appear as an
3525 item on the agenda for the regular or special agency board meeting at which the resolution is
3526 adopted. No other notice is required.

3527 Section 115. Section **17C-4-301** is enacted to read:

3528 **Part 3. Community Development Hearings**

3529 **17C-4-301. Continuing a plan hearing.**

3530 Subject to Section 17C-4-302, a board may continue a plan hearing from time to time.

3531 Section 116. Section **17C-4-302** is enacted to read:

3532 **17C-4-302. Notice required for continued hearing.**

3533 The board shall give notice of a hearing continued under Section 17C-4-301 by

3534 announcing at the hearing:

3535 (1) the date, time, and place the hearing will be resumed; or

3536 (2) that it is being continued to a later time and causing a notice of the continued

3537 hearing to be:

3538 (a) published once in a newspaper of general circulation within the agency boundaries

3539 at least seven days before the hearing is scheduled to resume; or

3540 (b) if there is no newspaper of general circulation, posted in at least three conspicuous

3541 places within the boundaries of the agency in which the project area or proposed project area is

3542 located.

3543 Section 117. Section **17C-4-401** is enacted to read:

3544 **Part 4. Community Development Notice Requirements**

3545 **17C-4-401. Agency required to provide notice of plan hearing.**

3546 Each agency shall provide notice of each plan hearing as provided in Section

3547 17C-4-402.

3548 Section 118. Section **17C-4-402** is enacted to read:

3549 **17C-4-402. Requirements for notice provided by agency.**

3550 (1) The notice required by Section 17C-4-401 shall be given by:

3551 (a) (i) publishing one notice, excluding the map referred to in Subsection (2)(b), in a

3552 newspaper of general circulation within the county in which the project area or proposed

3553 project area is located, at least 14 days before the hearing; or

3554 (ii) if there is no newspaper of general circulation, posting notice, at least 14 days

3555 before the hearing, in at least three conspicuous places within the county in which the project

3556 area or proposed project area is located; and

3557 (b) at least 30 days before the hearing, mailing notice to:

- 3558 (i) each record owner of property located within the project area or proposed project
3559 area;
- 3560 (ii) the State Tax Commission;
- 3561 (iii) the assessor and auditor of the county in which the project area or proposed project
3562 area is located; and
- 3563 (iv) the State Board of Education and the legislative body or governing board of each
3564 taxing entity.
- 3565 (2) The mailing of the notice to record property owners required under Subsection
3566 (1)(b)(i) shall be conclusively considered to have been properly completed if:
- 3567 (a) the agency mails the notice to the property owners as shown in the records,
3568 including an electronic database, of the county recorder's office and at the addresses shown in
3569 those records; and
- 3570 (b) the county recorder's office records used by the agency in identifying owners to
3571 whom the notice is mailed and their addresses were obtained or accessed from the county
3572 recorder's office no earlier than 30 days before the mailing.
- 3573 (3) The agency shall include in each notice required under Section 17C-4-401:
- 3574 (a) (i) a specific description of the boundaries of the project area or proposed project
3575 area; or
- 3576 (ii) (A) a mailing address or telephone number where a person may request that a copy
3577 of the description be sent at no cost to the person by mail or facsimile transmission; and
- 3578 (B) if the agency has an Internet website, an Internet address where a person may gain
3579 access to an electronic, printable copy of the description;
- 3580 (b) a map of the boundaries of the project area or proposed project area;
- 3581 (c) an explanation of the purpose of the hearing;
- 3582 (d) a statement of the date, time, and location of the hearing;
- 3583 (e) an invitation to the recipient of the notice to submit to the agency comments
3584 concerning the subject matter of the hearing before the date of the hearing;
- 3585 (f) a statement that any person objecting to the draft project area plan or contesting the

3586 regularity of any of the proceedings to adopt it may appear before the agency board at the
3587 hearing to show cause why the draft project area plan should not be adopted; and
3588 (g) a statement that the proposed project area plan is available for inspection at the
3589 agency offices.

3590 (4) An agency may include in a notice under Subsection (1) any other information the
3591 agency considers necessary or advisable, including the public purpose served by the project and
3592 any future tax benefits expected to result from the project.

3593 Section 119. Section **59-2-906.1** is amended to read:

3594 **59-2-906.1. Property Tax Valuation Agency Fund -- Creation -- Statewide levy --**
3595 **Additional county levy permitted.**

3596 (1) (a) There is created the Property Tax Valuation Agency Fund, to be funded by a
3597 multicounty assessing and collecting levy not to exceed .0002 as provided in Subsection (2).

3598 (b) The multicounty assessing and collecting levy under Subsection (1)(a) shall be
3599 imposed annually by each county in the state.

3600 (c) The purpose of the multicounty assessing and collecting levy created under
3601 Subsection (1)(a) and the disbursement formulas established in Section 59-2-906.2 is to
3602 promote the:

3603 (i) accurate valuation of property;

3604 (ii) establishment and maintenance of uniform assessment levels within and among
3605 counties; and

3606 (iii) efficient administration of the property tax system, including the costs of
3607 assessment, collection, and distribution of property taxes.

3608 (d) Income derived from the investment of money in the fund created in this
3609 Subsection (1) shall be deposited in and become part of the fund.

3610 (2) (a) Subject to Subsection (2)(b), in order to fund the Property Tax Valuation
3611 Agency Fund, the Legislature shall authorize the amount of the multicounty assessing and
3612 collecting levy.

3613 (b) The multicounty assessing and collecting levy may not exceed the certified revenue

3614 levy as defined in Section 59-2-102, unless:

3615 (i) the Legislature authorizes a multicounty assessing and collecting levy that exceeds
3616 the certified revenue levy; and

3617 (ii) the state complies with the notice requirements of Section 59-2-926.

3618 (3) (a) The multicounty assessing and collecting levy authorized by the Legislature
3619 under Subsection (2) shall be separately stated on the tax notice as a multicounty assessing and
3620 collecting levy.

3621 (b) The multicounty assessing and collecting levy authorized by the Legislature under
3622 Subsection (2) is:

3623 (i) exempt from the [~~redevelopment~~] provisions of Sections [~~17B-4-1003 and~~
3624 ~~17B-4-1004~~] 17C-1-403 and 17C-1-404;

3625 (ii) in addition to and exempt from the maximum levies allowable under Section
3626 59-2-908; and

3627 (iii) exempt from the notice requirements of Sections 59-2-918 and 59-2-919.

3628 (c) (i) Each county shall transmit quarterly to the state treasurer the portion of the .0002
3629 multicounty assessing and collecting levy which is above the amount to which that county is
3630 entitled to under Section 59-2-906.2.

3631 (ii) The revenue transmitted under Subsection (3)(c)(i) shall be transmitted no later
3632 than the tenth day of the month following the end of the quarter in which the revenue is
3633 collected.

3634 (iii) If revenue transmitted under Subsection (3)(c)(i) is transmitted after the tenth day
3635 of the month following the end of the quarter in which the revenue is collected, the county shall
3636 pay an interest penalty at the rate of 10% each year until the revenue is transmitted.

3637 (d) The state treasurer shall deposit in the Property Tax Valuation Agency Fund the:

3638 (i) revenue from the multicounty assessing and collecting levy;

3639 (ii) interest accrued from that levy; and

3640 (iii) penalties received under Subsection (3)(c)(iii).

3641 (4) (a) A county may not receive funds from the Property Tax Valuation Agency Fund

3642 unless the county levies an additional property tax of at least .0003 per dollar of taxable value
3643 of taxable property as reported by each county.

3644 (b) The levy described in Subsection (4)(a) shall be stated on the tax notice as a county
3645 assessing and collecting levy.

3646 (c) The purpose of the levy established in this Subsection (4) is to promote the:

3647 (i) accurate valuation of property;

3648 (ii) establishment and maintenance of uniform assessment levels within and among
3649 counties; and

3650 (iii) efficient administration of the property tax system, including the costs of
3651 assessment, collection, and distribution of property taxes.

3652 (d) A levy established in Subsection (4)(a) is:

3653 (i) exempt from the ~~[redevelopment]~~ provisions of Sections ~~[17B-4-1003 and~~
3654 ~~17B-4-1004]~~ 17C-1-403 and 17C-1-404;

3655 (ii) in addition to and exempt from the maximum levies allowable under Section
3656 59-2-908;

3657 (iii) for the calendar year beginning on January 1, 2005, and ending on December 31,
3658 2005, exempt from the notice and hearing requirements of Sections 59-2-918 and 59-2-919;
3659 and

3660 (iv) beginning on January 1, 2006, subject to the notice and hearing requirements of
3661 Sections 59-2-918 and 59-2-919.

3662 Section 120. Section **59-2-924** is amended to read:

3663 **59-2-924. Report of valuation of property to county auditor and commission --**
3664 **Transmittal by auditor to governing bodies -- Certified tax rate -- Rulemaking authority**
3665 **-- Adoption of tentative budget.**

3666 (1) (a) Before June 1 of each year, the county assessor of each county shall deliver to
3667 the county auditor and the commission the following statements:

3668 (i) a statement containing the aggregate valuation of all taxable property in each taxing
3669 entity; and

3670 (ii) a statement containing the taxable value of any additional personal property
3671 estimated by the county assessor to be subject to taxation in the current year.

3672 (b) The county auditor shall, on or before June 8, transmit to the governing body of
3673 each taxing entity:

3674 (i) the statements described in Subsections (1)(a)(i) and (ii);

3675 (ii) an estimate of the revenue from personal property;

3676 (iii) the certified tax rate; and

3677 (iv) all forms necessary to submit a tax levy request.

3678 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad
3679 valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the
3680 prior year.

3681 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not
3682 include:

3683 (A) collections from redemptions;

3684 (B) interest; and

3685 (C) penalties.

3686 (iii) Except as provided in Subsection (2)(a)(v), the certified tax rate shall be calculated
3687 by dividing the ad valorem property tax revenues budgeted for the prior year by the taxing
3688 entity by the taxable value established in accordance with Section 59-2-913.

3689 (iv) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
3690 Act, the commission shall make rules determining the calculation of ad valorem property tax
3691 revenues budgeted by a taxing entity.

3692 (B) For purposes of Subsection (2)(a)(iv)(A), ad valorem property tax revenues
3693 budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax
3694 revenues are calculated for purposes of Section 59-2-913.

3695 (v) The certified tax rates for the taxing entities described in this Subsection (2)(a)(v)
3696 shall be calculated as follows:

3697 (A) except as provided in Subsection (2)(a)(v)(B), for new taxing entities the certified

3698 tax rate is zero;

3699 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

3700 (I) in a county of the first, second, or third class, the levy imposed for municipal-type
3701 services under Sections 17-34-1 and 17-36-9; and

3702 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
3703 purposes and such other levies imposed solely for the municipal-type services identified in
3704 Section 17-34-1 and Subsection 17-36-3(22);

3705 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy
3706 imposed by that section, except that the certified tax rates for the following levies shall be
3707 calculated in accordance with Section 59-2-913 and this section:

3708 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
3709 53A-17a-127, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

3710 (II) levies to pay for the costs of state legislative mandates or judicial or administrative
3711 orders under Section 59-2-906.3.

3712 (vi) (A) A judgment levy imposed under Section 59-2-1328 or Section 59-2-1330 shall
3713 be established at that rate which is sufficient to generate only the revenue required to satisfy
3714 one or more eligible judgments, as defined in Section 59-2-102.

3715 (B) The ad valorem property tax revenue generated by the judgment levy shall not be
3716 considered in establishing the taxing entity's aggregate certified tax rate.

3717 (b) (i) For the purpose of calculating the certified tax rate, the county auditor shall use
3718 the taxable value of property on the assessment roll.

3719 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the
3720 assessment roll does not include new growth as defined in Subsection (2)(b)(iii).

3721 (iii) "New growth" means:

3722 (A) the difference between the increase in taxable value of the taxing entity from the
3723 previous calendar year to the current year; minus

3724 (B) the amount of an increase in taxable value described in Subsection (2)(b)(iv).

3725 (iv) Subsection (2)(b)(iii)(B) applies to the following increases in taxable value:

3726 (A) the amount of increase to locally assessed real property taxable values resulting
3727 from factoring, reappraisal, or any other adjustments; or

3728 (B) the amount of an increase in the taxable value of property assessed by the
3729 commission under Section 59-2-201 resulting from a change in the method of apportioning the
3730 taxable value prescribed by:

3731 (I) the Legislature;

3732 (II) a court;

3733 (III) the commission in an administrative rule; or

3734 (IV) the commission in an administrative order.

3735 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from
3736 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
3737 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter
3738 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax
3739 rate to offset the increased revenues.

3740 (d) (i) Beginning July 1, 1997, if a county has imposed a sales and use tax under
3741 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

3742 (A) decreased on a one-time basis by the amount of the estimated sales and use tax
3743 revenue to be distributed to the county under Subsection 59-12-1102(3); and

3744 (B) increased by the amount necessary to offset the county's reduction in revenue from
3745 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
3746 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
3747 (2)(d)(i)(A).

3748 (ii) The commission shall determine estimates of sales and use tax distributions for
3749 purposes of Subsection (2)(d)(i).

3750 (e) Beginning January 1, 1998, if a municipality has imposed an additional resort
3751 communities sales tax under Section 59-12-402, the municipality's certified tax rate shall be
3752 decreased on a one-time basis by the amount necessary to offset the first 12 months of
3753 estimated revenue from the additional resort communities sales and use tax imposed under

3754 Section 59-12-402.

3755 (f) For the calendar year beginning on January 1, 1999, and ending on December 31,
3756 1999, a taxing entity's certified tax rate shall be adjusted by the amount necessary to offset the
3757 adjustment in revenues from uniform fees on tangible personal property under Section
3758 59-2-405.1 as a result of the adjustment in uniform fees on tangible personal property under
3759 Section 59-2-405.1 enacted by the Legislature during the 1998 Annual General Session .

3760 (g) For purposes of Subsections (2)(h) through (j):

3761 (i) "1998 actual collections" means the amount of revenues a taxing entity actually
3762 collected for the calendar year beginning on January 1, 1998, under Section 59-2-405 for:

3763 (A) motor vehicles required to be registered with the state that weigh 12,000 pounds or
3764 less; and

3765 (B) state-assessed commercial vehicles required to be registered with the state that
3766 weigh 12,000 pounds or less.

3767 (ii) "1999 actual collections" means the amount of revenues a taxing entity actually
3768 collected for the calendar year beginning on January 1, 1999, under Section 59-2-405.1.

3769 (h) For the calendar year beginning on January 1, 2000, the commission shall make the
3770 following adjustments:

3771 (i) the commission shall make the adjustment described in Subsection (2)(i)(i) if, for
3772 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were
3773 greater than the sum of:

3774 (A) the taxing entity's 1999 actual collections; and

3775 (B) any adjustments the commission made under Subsection (2)(f);

3776 (ii) the commission shall make the adjustment described in Subsection (2)(i)(ii) if, for
3777 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were
3778 greater than the taxing entity's 1999 actual collections, but the taxing entity's 1998 actual
3779 collections were less than the sum of:

3780 (A) the taxing entity's 1999 actual collections; and

3781 (B) any adjustments the commission made under Subsection (2)(f); and

3782 (iii) the commission shall make the adjustment described in Subsection (2)(i)(iii) if, for
3783 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were
3784 less than the taxing entity's 1999 actual collections.

3785 (i) (i) For purposes of Subsection (2)(h)(i), the commission shall increase a taxing
3786 entity's certified tax rate under this section and a taxing entity's certified revenue levy under
3787 Section 59-2-906.1 by the amount necessary to offset the difference between:

3788 (A) the taxing entity's 1998 actual collections; and

3789 (B) the sum of:

3790 (I) the taxing entity's 1999 actual collections; and

3791 (II) any adjustments the commission made under Subsection (2)(f).

3792 (ii) For purposes of Subsection (2)(h)(ii), the commission shall decrease a taxing
3793 entity's certified tax rate under this section and a taxing entity's certified revenue levy under
3794 Section 59-2-906.1 by the amount necessary to offset the difference between:

3795 (A) the sum of:

3796 (I) the taxing entity's 1999 actual collections; and

3797 (II) any adjustments the commission made under Subsection (2)(f); and

3798 (B) the taxing entity's 1998 actual collections.

3799 (iii) For purposes of Subsection (2)(h)(iii), the commission shall decrease a taxing
3800 entity's certified tax rate under this section and a taxing entity's certified revenue levy under
3801 Section 59-2-906.1 by the amount of any adjustments the commission made under Subsection
3802 (2)(f).

3803 (j) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for
3804 purposes of Subsections (2)(f) through (i), the commission may make rules establishing the
3805 method for determining a taxing entity's 1998 actual collections and 1999 actual collections.

3806 (k) (i) (A) For fiscal year 2000, the certified tax rate of each county required under
3807 Subsection 17-34-1(4)(a) to provide advanced life support and paramedic services to the
3808 unincorporated area of the county shall be decreased by the amount necessary to reduce
3809 revenues in that fiscal year by an amount equal to the difference between the amount the county

3810 budgeted in its 2000 fiscal year budget for advanced life support and paramedic services
3811 countywide and the amount the county spent during fiscal year 2000 for those services,
3812 excluding amounts spent from a municipal services fund for those services.

3813 (B) For fiscal year 2001, the certified tax rate of each county to which Subsection
3814 (2)(k)(i)(A) applies shall be decreased by the amount necessary to reduce revenues in that fiscal
3815 year by the amount that the county spent during fiscal year 2000 for advanced life support and
3816 paramedic services countywide, excluding amounts spent from a municipal services fund for
3817 those services.

3818 (ii) (A) A city or town located within a county of the first class to which Subsection
3819 (2)(k)(i) applies may increase its certified tax rate by the amount necessary to generate within
3820 the city or town the same amount of revenues as the county would collect from that city or
3821 town if the decrease under Subsection (2)(k)(i) did not occur.

3822 (B) An increase under Subsection (2)(k)(ii)(A), whether occurring in a single fiscal
3823 year or spread over multiple fiscal years, is not subject to the notice and hearing requirements
3824 of Sections 59-2-918 and 59-2-919.

3825 (l) (i) The certified tax rate of each county required under Subsection 17-34-1(4)(b) to
3826 provide detective investigative services to the unincorporated area of the county shall be
3827 decreased:

3828 (A) in fiscal year 2001 by the amount necessary to reduce revenues in that fiscal year
3829 by at least \$4,400,000; and

3830 (B) in fiscal year 2002 by the amount necessary to reduce revenues in that fiscal year
3831 by an amount equal to the difference between \$9,258,412 and the amount of the reduction in
3832 revenues under Subsection (2)(l)(i)(A).

3833 (ii) (A) (I) Beginning with municipal fiscal year 2002, a city or town located within a
3834 county to which Subsection (2)(l)(i) applies may increase its certified tax rate to generate
3835 within the city or town the same amount of revenue as the county would have collected during
3836 county fiscal year 2001 from within the city or town except for Subsection (2)(l)(i)(A).

3837 (II) Beginning with municipal fiscal year 2003, a city or town located within a county

3838 to which Subsection (2)(l)(i) applies may increase its certified tax rate to generate within the
3839 city or town the same amount of revenue as the county would have collected during county
3840 fiscal year 2002 from within the city or town except for Subsection (2)(l)(i)(B).

3841 (B) (I) Except as provided in Subsection (2)(l)(ii)(B)(II), an increase in the city or
3842 town's certified tax rate under Subsection (2)(l)(ii)(A), whether occurring in a single fiscal year
3843 or spread over multiple fiscal years, is subject to the notice and hearing requirements of
3844 Sections 59-2-918 and 59-2-919.

3845 (II) For an increase under this Subsection (2)(l)(ii) that generates revenue that does not
3846 exceed the same amount of revenue as the county would have collected except for Subsection
3847 (2)(l)(i), the requirements of Sections 59-2-918 and 59-2-919 do not apply if the city or town:

3848 (Aa) publishes a notice that meets the size, type, placement, and frequency
3849 requirements of Section 59-2-919, reflects that the increase is a shift of a tax from one imposed
3850 by the county to one imposed by the city or town, and explains how the revenues from the tax
3851 increase will be used; and

3852 (Bb) holds a public hearing on the tax shift that may be held in conjunction with the
3853 city or town's regular budget hearing.

3854 (m) (i) This Subsection (2)(m) applies to each county that:

3855 (A) establishes a countywide special service district under Title 17A, Chapter 2, Part
3856 13, Utah Special Service District Act, to provide jail service, as provided in Subsection
3857 17A-2-1304(1)(a)(x); and

3858 (B) levies a property tax on behalf of the special service district under Section
3859 17A-2-1322.

3860 (ii) (A) The certified tax rate of each county to which this Subsection (2)(m) applies
3861 shall be decreased by the amount necessary to reduce county revenues by the same amount of
3862 revenues that will be generated by the property tax imposed on behalf of the special service
3863 district.

3864 (B) Each decrease under Subsection (2)(m)(ii)(A) shall occur contemporaneously with
3865 the levy on behalf of the special service district under Section 17A-2-1322.

- 3866 (n) (i) As used in this Subsection (2)(n):
- 3867 (A) "Annexing county" means a county whose unincorporated area is included within a
- 3868 fire district by annexation.
- 3869 (B) "Annexing municipality" means a municipality whose area is included within a fire
- 3870 district by annexation.
- 3871 (C) "Equalized fire protection tax rate" means the tax rate that results from:
- 3872 (I) calculating, for each participating county and each participating municipality, the
- 3873 property tax revenue necessary to cover all of the costs associated with providing fire
- 3874 protection, paramedic, and emergency services:
- 3875 (Aa) for a participating county, in the unincorporated area of the county; and
- 3876 (Bb) for a participating municipality, in the municipality; and
- 3877 (II) adding all the amounts calculated under Subsection (2)(n)(i)(C)(I) for all
- 3878 participating counties and all participating municipalities and then dividing that sum by the
- 3879 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:
- 3880 (Aa) for participating counties, in the unincorporated area of all participating counties;
- 3881 and
- 3882 (Bb) for participating municipalities, in all the participating municipalities.
- 3883 (D) "Fire district" means a county service area under Title 17A, Chapter 2, Part 4,
- 3884 County Service Area Act, in the creation of which an election was not required under
- 3885 Subsection 17B-2-214(3)(c).
- 3886 (E) "Fire protection tax rate" means:
- 3887 (I) for an annexing county, the property tax rate that, when applied to taxable property
- 3888 in the unincorporated area of the county, generates enough property tax revenue to cover all the
- 3889 costs associated with providing fire protection, paramedic, and emergency services in the
- 3890 unincorporated area of the county; and
- 3891 (II) for an annexing municipality, the property tax rate that generates enough property
- 3892 tax revenue in the municipality to cover all the costs associated with providing fire protection,
- 3893 paramedic, and emergency services in the municipality.

3894 (F) "Participating county" means a county whose unincorporated area is included
3895 within a fire district at the time of the creation of the fire district.

3896 (G) "Participating municipality" means a municipality whose area is included within a
3897 fire district at the time of the creation of the fire district.

3898 (ii) In the first year following creation of a fire district, the certified tax rate of each
3899 participating county and each participating municipality shall be decreased by the amount of
3900 the equalized fire protection tax rate.

3901 (iii) In the first year following annexation to a fire district, the certified tax rate of each
3902 annexing county and each annexing municipality shall be decreased by the fire protection tax
3903 rate.

3904 (iv) Each tax levied under this section by a fire district shall be considered to be levied
3905 by:

3906 (A) each participating county and each annexing county for purposes of the county's
3907 tax limitation under Section 59-2-908; and

3908 (B) each participating municipality and each annexing municipality for purposes of the
3909 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
3910 city.

3911 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

3912 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
3913 auditor of:

3914 (i) its intent to exceed the certified tax rate; and

3915 (ii) the amount by which it proposes to exceed the certified tax rate.

3916 (c) The county auditor shall notify all property owners of any intent to exceed the
3917 certified tax rate in accordance with Subsection 59-2-919(2).

3918 (4) (a) The taxable value for the base year under Subsection [~~17B-4-102(4)~~]
3919 17C-1-102(6) shall be reduced for any year to the extent necessary to provide a
3920 [~~redevelopment~~] community development and renewal agency established under [~~Title 17B;~~
3921 ~~Chapter 4, Redevelopment Agencies Act~~] Title 17C, Limited Purpose Local Government

3922 Entities - Community Development and Renewal Agencies, with approximately the same
3923 amount of money the agency would have received without a reduction in the county's certified
3924 tax rate if:

3925 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or
3926 (2)(d)(i);

3927 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
3928 previous year; and

3929 (iii) the decrease results in a reduction of the amount to be paid to the agency under
3930 Section [~~17B-4-1003 or 17B-4-1004~~] 17C-1-403 or 17C-1-404.

3931 (b) The base taxable value under Subsection [~~17B-4-102(4)~~] 17C-1-102(6) shall be
3932 increased in any year to the extent necessary to provide a [~~redevelopment~~] community
3933 development and renewal agency with approximately the same amount of money as the agency
3934 would have received without an increase in the certified tax rate that year if:

3935 (i) in that year the base taxable value under Subsection [~~17B-4-102(4)~~] 17C-1-102(6) is
3936 reduced due to a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i); and

3937 (ii) The certified tax rate of a city, school district, or special district increases
3938 independent of the adjustment to the taxable value of the base year.

3939 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or
3940 (2)(d)(i), the amount of money allocated and, when collected, paid each year to a
3941 [~~redevelopment~~] community development and renewal agency established under [~~Title 17B;~~
3942 ~~Chapter 4, Redevelopment Agencies Act~~] Title 17C, Limited Purpose Local Government
3943 Entities - Community Development and Renewal Agencies, for the payment of bonds or other
3944 contract indebtedness, but not for administrative costs, may not be less than that amount would
3945 have been without a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i).

3946 Section 121. Section **63F-1-507** is amended to read:

3947 **63F-1-507. State Geographic Information Database.**

3948 (1) There is created a State Geographic Information Database to be managed by the
3949 center.

- 3950 (2) The database shall:
- 3951 (a) serve as the central reference for all information contained in any GIS database by
- 3952 any state agency;
- 3953 (b) serve as a clearing house and repository for all data layers required by multiple
- 3954 users;
- 3955 (c) serve as a standard format for geographic information acquired, purchased, or
- 3956 produced by any state agency; and
- 3957 (d) include an accurate representation of all civil subdivision boundaries of the state.

- 3958 (3) Each state agency that acquires, purchases, or produces digital geographic
- 3959 information data shall:
- 3960 (a) inform the center of the existence of the data layers and their geographic extent;
- 3961 (b) allow the center access to all data classified public; and
- 3962 (c) comply with any database requirements established by the center.
- 3963 (4) At least annually, the State Tax Commission shall deliver to the center information
- 3964 the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,
- 3965 17-2-9, 17-3-3, 17A-1-102, 17B-2-215, and [~~17B-4-201~~] 17C-1-201 relating to the creation or
- 3966 modification of the boundaries of the political subdivisions that are the subject of those
- 3967 sections.

3968 Section 122. Section **67-1a-6.5** is amended to read:

3969 **67-1a-6.5. Lieutenant governor certification of governmental entity creation,**

3970 **consolidation, division, dissolution, or boundary change.**

- 3971 (1) As used in this section:
- 3972 (a) "AGRC" means the Automated Geographic Reference Center created under Section
- 3973 63F-1-506.
- 3974 (b) "Boundary change" means the adjustment of an entity's boundary either through
- 3975 gaining territory (annexation), losing territory (withdrawal), adjusting the common boundary
- 3976 with an adjacent entity (may gain territory, lose territory, or a combination of both gaining and
- 3977 losing territory), or any other adjustment of the entity's boundary.

3978 (c) "Consolidation" means the combining of two or more entities into a single entity
3979 such that the consolidated entity's boundary contains all of the territory of the original entities,
3980 but no additional territory.

3981 (d) "County attorney" means the county attorney of each county which contains any
3982 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
3983 change.

3984 (e) (i) "County auditor" means the county auditor of each county which contains any
3985 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
3986 change.

3987 (ii) If the county does not have a county auditor, "county auditor" means the county
3988 clerk or other government official acting as the county auditor.

3989 (f) "County recorder" means the county recorder of each county which contains any
3990 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
3991 change.

3992 (g) "County surveyor" means the county surveyor of each county which contains any
3993 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
3994 change.

3995 (h) "Creation" means the forming of a new entity where that entity did not exist before
3996 its creation.

3997 (i) "Dissolution" means the disbandment of an entity.

3998 (j) "Division" means the dividing of one entity into two or more entities such that the
3999 original entity's boundary contains all of the territory of the resultant entities, but no additional
4000 territory.

4001 (k) "Entity" means the entity that is created, consolidated, divided, dissolved, or whose
4002 boundary is changed.

4003 (l) "Initiating body" means the county legislative body, municipal legislative body,
4004 special district board, local district board, court, public official, or other authorized person that
4005 initiates the creation, dissolution, consolidation, or boundary change of an entity or entities.

4006 (m) "Notice of entity boundary change" means the notice the lieutenant governor
4007 receives under Subsection 10-1-116(1), 10-2-419(4), 10-2-425(1), 10-2-507(1), 17-2-9(2),
4008 17-2-13(3), 17-50-104(3), 17-50-105(1)(b) or (2)(e), 17A-2-1327(4), 17B-2-514(2),
4009 17B-2-516(6), 17B-2-610(1), or 53A-2-101.5(1) of an entity's pending boundary change.

4010 (n) "Notice of entity consolidation" means the notice the lieutenant governor receives
4011 under Section 10-2-610 or Subsection 10-1-116(1) or 17-2-4(2) of entities' pending
4012 consolidation.

4013 (o) "Notice of entity creation" means the notice the lieutenant governor receives under
4014 Subsection 10-1-116(1), 10-2-119(1), 10-2-125(6), 11-13-204(4), 11-13-205(6),
4015 17A-2-1311(2), 17B-2-215(1), [~~17B-4-201~~] 17C-1-201(2), or 53A-2-101.5(1) of an entity's
4016 pending creation.

4017 (p) "Notice of entity dissolution" means the notice the lieutenant governor receives
4018 under Subsection 10-1-116(1), 10-2-712(2), 17A-2-1329(3), 17B-2-708(4), or [~~17B-4-1401~~]
4019 17C-1-701(2)(a) of an entity's pending dissolution.

4020 (q) "Notice of entity division" means the notice the lieutenant governor receives under
4021 Subsection 17-3-3(3) of an entity's pending division.

4022 (r) "Notice of intention to file articles of incorporation" means the notice the lieutenant
4023 governor receives under Subsection 10-2-120(1).

4024 (s) "Lieutenant governor" means the lieutenant governor created in Article VII, Section
4025 1 of the Utah Constitution.

4026 (t) "State auditor" means the state auditor created in Article VII, Section 1 of the Utah
4027 Constitution.

4028 (u) "State Tax Commission" means the State Tax Commission created in Article XIII,
4029 Section 6 of the Utah Constitution.

4030 (2) Within ten days after receiving a notice of entity creation, the lieutenant governor
4031 shall:

4032 (a) issue a certificate of entity creation;

4033 (b) (i) send a copy of the certificate issued under Subsection (2)(a) and a copy of the

4034 notice of entity creation, including the accompanying map or legal description, to the State Tax
4035 Commission, AGRC, county recorder, county surveyor, county auditor, and county attorney;
4036 and

4037 (ii) send a copy of the certificate issued under Subsection (2)(a) to the state auditor;
4038 and

4039 (c) send to the initiating body a copy of the certificate issued under Subsection (2)(a)
4040 and a statement indicating completion of Subsection (2)(b).

4041 (3) Within ten days after receiving a notice of intention to file articles of incorporation,
4042 the lieutenant governor shall:

4043 (a) issue a certificate indicating receipt of a notice of intention to file articles of
4044 incorporation;

4045 (b) (i) send a copy of the certificate issued under Subsection (3)(a) and a copy of the
4046 notice of intention to file articles of incorporation, including the accompanying map or legal
4047 description, to the State Tax Commission, AGRC, county recorder, county surveyor, county
4048 auditor, and county attorney; and

4049 (ii) send a copy of the certificate issued under Subsection (3)(a) to the state auditor;
4050 and

4051 (c) send to the initiating body a copy of the certificate issued under Subsection (3)(a)
4052 and a statement indicating completion of Subsection (3)(b).

4053 (4) Within ten days after receiving a notice of entity consolidation, the lieutenant
4054 governor shall:

4055 (a) issue a certificate of entity consolidation;

4056 (b) (i) send a copy of the certificate issued under Subsection (4)(a) and a copy of the
4057 notice of entity consolidation to the State Tax Commission, AGRC, county recorder, county
4058 surveyor, county auditor, and county attorney; and

4059 (ii) send a copy of the certificate issued under Subsection (4)(a) to the state auditor;
4060 and

4061 (c) send to the initiating body and the entities being consolidated, if different from the

4062 initiating body, a copy of the certificate issued under Subsection (4)(a) and a statement
4063 indicating completion of Subsection (4)(b).

4064 (5) Within ten days after receiving a notice of entity division, the lieutenant governor
4065 shall:

4066 (a) issue a certificate of entity division;

4067 (b) (i) send a copy of the certificate issued under Subsection (5)(a) and a copy of the
4068 notice of entity consolidation, including the accompanying map or legal description, to the
4069 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
4070 attorney; and

4071 (ii) send a copy of the certificate issued under Subsection (5)(a) to the state auditor;
4072 and

4073 (c) send to the initiating body a copy of the certificate issued under Subsection (5)(a)
4074 and a statement indicating completion of Subsection (5)(b).

4075 (6) Within ten days after receiving a notice of entity dissolution, the lieutenant
4076 governor shall:

4077 (a) issue a certificate of entity dissolution;

4078 (b) (i) send a copy of the certificate issued under Subsection (6)(a) and a copy of the
4079 notice of entity dissolution to the State Tax Commission, AGRC, county recorder, county
4080 surveyor, county auditor, and county attorney; and

4081 (ii) send a copy of the certificate issued under Subsection (6)(a) to the state auditor;
4082 and

4083 (c) send to the initiating body and the entity being dissolved, if different than the
4084 initiating body, a copy of the certificate issued under Subsection (6)(a) and a statement
4085 indicating completion of Subsection (6)(b).

4086 (7) Within ten days after receiving a notice of entity boundary change, the lieutenant
4087 governor shall:

4088 (a) issue a certificate of entity boundary change;

4089 (b) send a copy of the certificate issued under Subsection (7)(a) and a copy of the

4090 notice of entity boundary change, including the accompanying map or legal description, to the
4091 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
4092 attorney; and

4093 (c) send to the initiating body or bodies, and each entity whose boundary is changed, if
4094 different than the initiating body, a copy of the certificate issued under Subsection (7)(a) and a
4095 statement indicating completion of Subsection (7)(b).

4096 (8) (a) The lieutenant governor shall keep, index, maintain, and make available to the
4097 public certificates, notices, maps, and other documents necessary in performing the duties of
4098 Subsections (2) through (7).

4099 (b) The lieutenant governor shall furnish a certified copy of documents to any person
4100 who requests a certified copy.

4101 (c) The lieutenant governor may charge a reasonable fee for copies of documents or
4102 certified copies of documents.

4103 Section 123. **Repealer.**

4104 This bill repeals:

4105 Section **17B-4-404, Limit on size of project area in certain project area plans.**

4106 Section **17B-4-601, Additional procedure for adopting a redevelopment project**
4107 **area plan.**

4108 Section **17B-4-901, Property owner and tenant opportunities to participate in**
4109 **redevelopment project -- Preferential opportunities.**

4110 Section **17B-4-902, Statement of rights of owners of property in redevelopment**
4111 **project area.**

4112 Section **17B-4-1101, Use of eminent domain prohibited.**

4113 Section **17B-4-1104, Limitation on acquisition of property with existing building.**