

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

7

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;
- 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
31 disposals of 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 redevelopment 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 redevelopment 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 redevelopment 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 a redevelopment 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 redevelopment, 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 ENACTS:

- 105 **17C-1-104**, Utah Code Annotated 1953
- 106 **17C-1-405**, Utah Code Annotated 1953
- 107 **17C-1-406**, Utah Code Annotated 1953
- 108 **17C-1-607**, Utah Code Annotated 1953
- 109 **17C-3-101**, Utah Code Annotated 1953
- 110 **17C-3-102**, Utah Code Annotated 1953
- 111 **17C-3-103**, Utah Code Annotated 1953
- 112 **17C-3-104**, Utah Code Annotated 1953
- 113 **17C-3-105**, Utah Code Annotated 1953
- 114 **17C-3-106**, Utah Code Annotated 1953
- 115 **17C-3-107**, Utah Code Annotated 1953
- 116 **17C-3-108**, Utah Code Annotated 1953
- 117 **17C-3-109**, Utah Code Annotated 1953
- 118 **17C-3-201**, Utah Code Annotated 1953
- 119 **17C-3-202**, Utah Code Annotated 1953
- 120 **17C-3-203**, Utah Code Annotated 1953

- 121 **17C-3-204**, Utah Code Annotated 1953
- 122 **17C-3-205**, Utah Code Annotated 1953
- 123 **17C-3-301**, Utah Code Annotated 1953
- 124 **17C-3-302**, Utah Code Annotated 1953
- 125 **17C-3-303**, Utah Code Annotated 1953
- 126 **17C-3-401**, Utah Code Annotated 1953
- 127 **17C-3-402**, Utah Code Annotated 1953
- 128 **17C-3-403**, Utah Code Annotated 1953
- 129 **17C-3-404**, Utah Code Annotated 1953
- 130 **17C-4-101**, Utah Code Annotated 1953
- 131 **17C-4-102**, Utah Code Annotated 1953
- 132 **17C-4-103**, Utah Code Annotated 1953
- 133 **17C-4-104**, Utah Code Annotated 1953
- 134 **17C-4-105**, Utah Code Annotated 1953
- 135 **17C-4-106**, Utah Code Annotated 1953
- 136 **17C-4-107**, Utah Code Annotated 1953
- 137 **17C-4-108**, Utah Code Annotated 1953
- 138 **17C-4-201**, Utah Code Annotated 1953
- 139 **17C-4-202**, Utah Code Annotated 1953
- 140 **17C-4-203**, Utah Code Annotated 1953
- 141 **17C-4-204**, Utah Code Annotated 1953
- 142 **17C-4-301**, Utah Code Annotated 1953
- 143 **17C-4-302**, Utah Code Annotated 1953
- 144 **17C-4-401**, Utah Code Annotated 1953
- 145 **17C-4-402**, Utah Code Annotated 1953

146 RENUMBERS AND AMENDS:

- 147 **17C-1-101**, (Renumbered from 17B-4-101, as enacted by Chapter 133, Laws of Utah
- 148 2001)
- 149 **17C-1-102**, (Renumbered from 17B-4-102, as last amended by Chapter 292, Laws of
- 150 Utah 2005)
- 151 **17C-1-103**, (Renumbered from 17B-4-105, as last amended by Chapter 292, Laws of

152 Utah 2005)
153 **17C-1-201**, (Renumbered from 17B-4-201, as last amended by Chapter 233, Laws of
154 Utah 2005)
155 **17C-1-202**, (Renumbered from 17B-4-202, as last amended by Chapter 292, Laws of
156 Utah 2005)
157 **17C-1-203**, (Renumbered from 17B-4-203, as enacted by Chapter 133, Laws of Utah
158 2001)
159 **17C-1-204**, (Renumbered from 17B-4-204, as enacted by Chapter 133, Laws of Utah
160 2001)
161 **17C-1-205**, (Renumbered from 17B-4-205, as enacted by Chapter 133, Laws of Utah
162 2001)
163 **17C-1-206**, (Renumbered from 17B-4-206, as last amended by Chapter 292, Laws of
164 Utah 2005)
165 **17C-1-207**, (Renumbered from 17B-4-103, as enacted by Chapter 133, Laws of Utah
166 2001)
167 **17C-1-208**, (Renumbered from 17B-4-104, as enacted by Chapter 133, Laws of Utah
168 2001)
169 **17C-1-301**, (Renumbered from 17B-4-301, as enacted by Chapter 133, Laws of Utah
170 2001)
171 **17C-1-302**, (Renumbered from 17B-4-302, as last amended by Chapter 205, Laws of
172 Utah 2002)
173 **17C-1-303**, (Renumbered from 17B-4-303, as enacted by Chapter 133, Laws of Utah
174 2001)
175 **17C-1-401**, (Renumbered from 17B-4-1001, as last amended by Chapter 205, Laws of
176 Utah 2002)
177 **17C-1-402**, (Renumbered from 17B-4-1002, as last amended by Chapter 292, Laws of
178 Utah 2005)
179 **17C-1-403**, (Renumbered from 17B-4-1003, as last amended by Chapter 292, Laws of
180 Utah 2005)
181 **17C-1-404**, (Renumbered from 17B-4-1004, as last amended by Chapter 292, Laws of
182 Utah 2005)

- 183 **17C-1-407**, (Renumbered from 17B-4-1005, as last amended by Chapter 292, Laws of
184 Utah 2005)
- 185 **17C-1-408**, (Renumbered from 17B-4-1006, as enacted by Chapter 133, Laws of Utah
186 2001)
- 187 **17C-1-409**, (Renumbered from 17B-4-1007, as last amended by Chapter 292, Laws of
188 Utah 2005)
- 189 **17C-1-410**, (Renumbered from 17B-4-1008, as enacted by Chapter 133, Laws of Utah
190 2001)
- 191 **17C-1-411**, (Renumbered from 17B-4-1009, as enacted by Chapter 133, Laws of Utah
192 2001)
- 193 **17C-1-412**, (Renumbered from 17B-4-1010, as last amended by Chapters 185 and 205,
194 Laws of Utah 2002)
- 195 **17C-1-413**, (Renumbered from 17B-4-1011, as enacted by Chapter 133, Laws of Utah
196 2001)
- 197 **17C-1-501**, (Renumbered from 17B-4-1201, as enacted by Chapter 133, Laws of Utah
198 2001)
- 199 **17C-1-502**, (Renumbered from 17B-4-1202, as enacted by Chapter 133, Laws of Utah
200 2001)
- 201 **17C-1-503**, (Renumbered from 17B-4-1203, as enacted by Chapter 133, Laws of Utah
202 2001)
- 203 **17C-1-504**, (Renumbered from 17B-4-1204, as last amended by Chapter 105, Laws of
204 Utah 2005)
- 205 **17C-1-505**, (Renumbered from 17B-4-1205, as enacted by Chapter 133, Laws of Utah
206 2001)
- 207 **17C-1-506**, (Renumbered from 17B-4-1206, as enacted by Chapter 133, Laws of Utah
208 2001)
- 209 **17C-1-507**, (Renumbered from 17B-4-1207, as enacted by Chapter 133, Laws of Utah
210 2001)
- 211 **17C-1-508**, (Renumbered from 17B-4-1208, as enacted by Chapter 133, Laws of Utah
212 2001)
- 213 **17C-1-601**, (Renumbered from 17B-4-1301, as last amended by Chapter 37, Laws of

214 Utah 2002)
215 **17C-1-602**, (Renumbered from 17B-4-1302, as enacted by Chapter 133, Laws of Utah
216 2001)
217 **17C-1-603**, (Renumbered from 17B-4-1303, as last amended by Chapter 37, Laws of
218 Utah 2002)
219 **17C-1-604**, (Renumbered from 17B-4-1304, as last amended by Chapter 71, Laws of
220 Utah 2005)
221 **17C-1-605**, (Renumbered from 17B-4-1305, as enacted by Chapter 133, Laws of Utah
222 2001)
223 **17C-1-606**, (Renumbered from 17B-4-1306, as enacted by Chapter 133, Laws of Utah
224 2001)
225 **17C-1-701**, (Renumbered from 17B-4-1401, as last amended by Chapter 233, Laws of
226 Utah 2005)
227 **17C-2-101**, (Renumbered from 17B-4-401, as enacted by Chapter 133, Laws of Utah
228 2001)
229 **17C-2-102**, (Renumbered from 17B-4-402, as last amended by Chapters 254 and 292,
230 Laws of Utah 2005)
231 **17C-2-103**, (Renumbered from 17B-4-403, as last amended by Chapter 292, Laws of
232 Utah 2005)
233 **17C-2-104**, (Renumbered from 17B-4-405, as enacted by Chapter 133, Laws of Utah
234 2001)
235 **17C-2-105**, (Renumbered from 17B-4-406, as last amended by Chapter 205, Laws of
236 Utah 2002)
237 **17C-2-106**, (Renumbered from 17B-4-407, as last amended by Chapter 292, Laws of
238 Utah 2005)
239 **17C-2-107**, (Renumbered from 17B-4-408, as enacted by Chapter 133, Laws of Utah
240 2001)
241 **17C-2-108**, (Renumbered from 17B-4-409, as enacted by Chapter 133, Laws of Utah
242 2001)
243 **17C-2-109**, (Renumbered from 17B-4-410, as last amended by Chapter 233, Laws of
244 Utah 2005)

- 245 **17C-2-110**, (Renumbered from 17B-4-411, as last amended by Chapter 292, Laws of
246 Utah 2005)
- 247 **17C-2-201**, (Renumbered from 17B-4-501, as enacted by Chapter 133, Laws of Utah
248 2001)
- 249 **17C-2-202**, (Renumbered from 17B-4-503, as last amended by Chapter 165, Laws of
250 Utah 2004)
- 251 **17C-2-203**, (Renumbered from 17B-4-504, as last amended by Chapters 139 and 185,
252 Laws of Utah 2002)
- 253 **17C-2-204**, (Renumbered from 17B-4-505, as last amended by Chapter 185, Laws of
254 Utah 2002)
- 255 **17C-2-205**, (Renumbered from 17B-4-506, as last amended by Chapter 185, Laws of
256 Utah 2002)
- 257 **17C-2-206**, (Renumbered from 17B-4-507, as last amended by Chapter 292, Laws of
258 Utah 2005)
- 259 **17C-2-301**, (Renumbered from 17B-4-602, as last amended by Chapter 292, Laws of
260 Utah 2005)
- 261 **17C-2-302**, (Renumbered from 17B-4-603, as last amended by Chapter 292, Laws of
262 Utah 2005)
- 263 **17C-2-303**, (Renumbered from 17B-4-604, as last amended by Chapter 292, Laws of
264 Utah 2005)
- 265 **17C-2-304**, (Renumbered from 17B-4-605, as last amended by Chapter 292, Laws of
266 Utah 2005)
- 267 **17C-2-401**, (Renumbered from 17B-4-801, as enacted by Chapter 133, Laws of Utah
268 2001)
- 269 **17C-2-402**, (Renumbered from 17B-4-802, as last amended by Chapter 205, Laws of
270 Utah 2002)
- 271 **17C-2-403**, (Renumbered from 17B-4-705, as last amended by Chapter 205, Laws of
272 Utah 2002)
- 273 **17C-2-501**, (Renumbered from 17B-4-701, as enacted by Chapter 133, Laws of Utah
274 2001)
- 275 **17C-2-502**, (Renumbered from 17B-4-702, as last amended by Chapter 205, Laws of

276 Utah 2002)
 277 **17C-2-503**, (Renumbered from 17B-4-703, as last amended by Chapter 205, Laws of
 278 Utah 2002)
 279 **17C-2-504**, (Renumbered from 17B-4-704, as enacted by Chapter 133, Laws of Utah
 280 2001)
 281 **17C-2-505**, (Renumbered from 17B-4-502, as enacted by Chapter 133, Laws of Utah
 282 2001)

283 REPEALS:

284 **17B-4-404**, as last amended by Chapter 256, Laws of Utah 2003
 285 **17B-4-601**, as last amended by Chapter 292, Laws of Utah 2005
 286 **17B-4-901**, as enacted by Chapter 133, Laws of Utah 2001
 287 **17B-4-902**, as enacted by Chapter 133, Laws of Utah 2001
 288 **17B-4-1101**, as last amended by Chapter 292, Laws of Utah 2005
 289 **17B-4-1104**, as enacted by Chapter 133, Laws of Utah 2001



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

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

294 **TITLE 17C. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES -**
 295 **COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES**

296 **CHAPTER 1. GENERAL PROVISIONS**

297 **Part 1. Definitions and other general provisions**

298 ~~[17B-4-101].~~ **17C-1-101. Title.**

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

301 Section 2. Section **17C-1-102**, which is renumbered from Section 17B-4-102 is
 302 renumbered and amended to read:

303 ~~[17B-4-102].~~ **17C-1-102. Definitions.**

304 As used in this title:

305 (1) "Adjusted tax increment" means:

306 (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under

307 Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

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

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

312 ~~[(1)]~~ (3) "Agency" or "community development and renewal agency" means a separate
313 body corporate and politic, created under Section ~~[17B-4-201]~~ 17C-1-201 or as a
314 redevelopment agency under previous law, that is a political subdivision of the state, that is
315 created to undertake or promote redevelopment, economic development, or ~~[education~~
316 housing] community development, or any combination of them, as provided in this ~~[chapter]~~
317 title, and whose geographic boundaries are coterminous with:

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

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

320 ~~[(2) "Assessment property owner" or "assessment owner of property" means the owner~~
321 ~~of real property as shown on the assessment roll of the county in which the property is located,~~
322 ~~equalized as of the previous November 1.]~~

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

326 ~~[(3)]~~ (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

327 ~~[(4)]~~ (6) "Base taxable value" means the taxable value of the property within a project
328 area from which tax increment will be collected, as shown upon the assessment roll last
329 equalized before:

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

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

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

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

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

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

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

340 ~~[(5)]~~ (8) "Blight" or "blighted" means the condition of an area that meets the
341 requirements of Subsection ~~[17B-4-604]~~ 17C-2-303(1).

342 ~~[(6)]~~ (9) "Blight hearing" means a public hearing under Subsection ~~[17B-4-601]~~
343 17C-2-102(1)[(e)] (a)(iii) and Section ~~[17B-4-603]~~ 17C-2-302 regarding the existence or
344 nonexistence of blight within the proposed redevelopment project area.

345 ~~[(7)]~~ (10) "Blight study" means a study to determine the existence or nonexistence of
346 blight within a survey area as provided in Section ~~[17B-4-602]~~ 17C-2-301.

347 ~~[(8)]~~ (11) "Board" means the governing body of an agency, as provided in Section
348 ~~[17B-4-203]~~ 17C-1-203.

349 ~~[(9)]~~ (12) "Budget hearing" means the public hearing on a draft project area budget
350 required under Subsection ~~[17B-4-501]~~ 17C-2-201(2)[(e)] (d) for a redevelopment project area
351 budget or Subsection 17C-3-201(2)(d) for an economic development project area budget.

352 (13) "Combined incremental value" means the combined total of all incremental values
353 from all redevelopment project areas, except a military installation project area, within the
354 agency's boundaries under adopted project area plans and adopted project area budgets at the
355 time that a project area budget for a new redevelopment project area is being considered.

356 ~~[(10)]~~ (14) "Community" means a county, city, or town.

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

359 ~~[(11)]~~ (16) "Economic development" means to promote the creation or retention of
360 public or private jobs within the state through:

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

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

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

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

368 (a) for a city or town, comparing the percentage of all housing units within the city or

369 town that are publicly subsidized income targeted housing units to the percentage of all
370 housing units within the whole county that are publicly subsidized income targeted housing
371 units; or

372 (b) for the unincorporated part of a county, comparing the percentage of all housing
373 units within the unincorporated county that are publicly subsidized income targeted housing
374 units to the percentage of all housing units within the whole county that are publicly subsidized
375 income targeted housing units.

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

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

380 (20) "Housing funds" means the funds allocated in a redevelopment project area budget
381 under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

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

385 (22) "Incremental value" means a figure derived by multiplying the marginal value of
386 the property located within a redevelopment project area on which tax increment is collected by
387 a number that represents the percentage of adjusted tax increment from that project area that is
388 paid to the agency.

389 ~~[(13)]~~ (23) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
390 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

391 (24) "Marginal value" means the difference between actual taxable value and base
392 taxable value.

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

396 ~~[(14)]~~ (26) "Plan hearing" means the public hearing on a draft project area plan
397 required under Subsection ~~[17B-4-402(1)(e)]~~ 17C-2-102(1)(a)(viii) for a redevelopment
398 project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan,
399 and Subsection 17C-4-102(1)(d) for a community development project area plan.

400 ~~[(15)]~~ (27) "Post-June 30, 1993 project area plan" means a [~~redevelopment, economic~~
401 ~~development, or education housing development~~] project area plan adopted on or after July 1,
402 1993, whether or not amended subsequent to its adoption.

403 ~~[(16)]~~ (28) "Pre-July 1, 1993 project area plan" means a [~~redevelopment~~] project area
404 plan adopted before July 1, 1993, whether or not amended subsequent to its adoption.

405 ~~[(17)]~~ (29) "Private," with respect to real property, means:

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

408 (b) not dedicated to public use.

409 ~~[(18)]~~ (30) "Project area" means the geographic area described in a project area plan or
410 draft project area plan where the redevelopment, economic development, or [~~education~~
411 ~~housing~~] community development, as the case may be, set forth in the project area plan or draft
412 project area plan takes place or is proposed to take place.

413 ~~[(19)]~~ (31) "Project area budget" means a multiyear projection of annual or cumulative
414 revenues and expenses and other fiscal matters pertaining to a redevelopment[;] or economic
415 development[; ~~or education housing development~~] project area that includes:

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

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

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

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

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

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

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

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

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

433 ~~[(20)]~~ (32) "Project area plan" means a written plan under Part 4, Project Area Plan,
434 that, after its effective date, guides and controls the redevelopment, economic development, or
435 ~~[education housing]~~ community development activities within ~~[the]~~ a project area.

436 ~~[(21)]~~ (33) "Property tax" includes privilege tax and each levy on an ad valorem basis
437 on tangible or intangible personal or real property.

438 ~~[(22)]~~ (34) "Public entity" means:

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

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

442 ~~[(23) "Public input hearing" means the public hearing required under Subsection~~
443 ~~17B-4-402(1)(h)(ii) regarding a proposed redevelopment project.]~~

444 (35) "Publicly owned infrastructure and improvements" means water, sewer, storm
445 drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,
446 walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,
447 and improvements benefitting the public and to be publicly owned or publicly maintained or
448 operated.

449 ~~[(24)]~~ (36) "Record property owner" or "record owner of property" means the owner of
450 real property as shown on the records of the recorder of the county in which the property is
451 located and includes a purchaser under a real estate contract if the contract is recorded in the
452 office of the recorder of the county in which the property is located or the purchaser gives
453 written notice of the real estate contract to the agency.

454 ~~[(25)]~~ (37) "Redevelopment" means the development activities under a project area
455 plan within a redevelopment project area, including:

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

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

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

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

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

466 (f) providing improvements of public or private recreation areas and other public
467 grounds.

468 ~~[(26)]~~ (38) "Superfund site":

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

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

474 ~~[(27)]~~ (39) "Survey area" means an area designated by a survey area resolution for
475 study to determine whether one or more redevelopment projects within the area are feasible.

476 ~~[(28)]~~ (40) "Survey area resolution" means a resolution adopted by the agency board
477 under Subsection ~~[17B-4-401(1)(a)]~~ 17C-2-101(1)(a) designating a survey area.

478 (41) "Taxable value" means the value of property as shown on the last equalized
479 assessment roll as certified by the county assessor.

480 ~~[(29)]~~ (42) (a) "Tax increment" means, except as provided in Subsection ~~[(29)]~~ (42)(b),
481 the difference between:

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

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

487 (b) "Tax increment" does not include taxes levied and collected under Section
488 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

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

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

493 ~~[(30)]~~ (43) "Taxing entity" means a public entity that levies a tax on property within a
494 ~~[project area or proposed project area]~~ community.

495 ~~[(31)]~~ (44) "Taxing entity committee" means a committee representing the interests of
496 taxing entities, created as provided in Section ~~[17B-4-1002]~~ 17C-1-402.

497 (45) "Unincorporated" means not within a city or town.

498 Section 3. Section **17C-1-103**, which is renumbered from Section 17B-4-105 is
499 renumbered and amended to read:

500 ~~[17B-4-105].~~ **17C-1-103. Limitations on applicability of title --**

501 **Amendment of previously adopted project area plan.**

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

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

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

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

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

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

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

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

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

517 (b) Unless explicitly prohibited by this ~~[chapter]~~ title, an amendment under Subsection
518 (2)(a) may include a provision that is allowed under this ~~[chapter]~~ title but that was not
519 required or allowed by the law in effect before the applicable amendment.

520 Section 4. Section **17C-1-104** is enacted to read:

521 **17C-1-104. Actions not subject to land use laws.**

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

524 Development, and Management Act.

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

527 Section 5. Section **17C-1-201**, which is renumbered from Section 17B-4-201 is
528 renumbered and amended to read:

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

530 ~~[17B-4-201].~~ **17C-1-201. Creation of agency -- Notice to lieutenant**
531 **governor.**

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

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

537 (b) Upon the lieutenant governor's issuance of the certificate of creation under Section
538 67-1a-6.5, the agency is created and incorporated.

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

543 Section 6. Section **17C-1-202**, which is renumbered from Section 17B-4-202 is
544 renumbered and amended to read:

545 ~~[17B-4-202].~~ **17C-1-202. Agency powers.**

546 (1) ~~[An]~~ A community development and renewal agency may:

547 (a) sue and be sued;

548 (b) enter into contracts generally;

549 (c) buy, obtain an option upon, or otherwise acquire any interest in real or personal
550 property;

551 (d) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
552 personal property;

553 (e) enter into a lease agreement on real or personal property, either as lessee or lessor;

554 (f) provide for redevelopment, economic development, and ~~[education-housing]~~

555 community development as provided in this [~~chapter~~] title;

556 (g) receive tax increment as provided in this [~~chapter~~] title;

557 [~~(h) encourage the continued use of existing buildings in the project area;~~]

558 [(†)] (h) if disposing of or leasing land, retain controls or establish restrictions and

559 covenants running with the land consistent with the project area plan;

560 [(†)] (i) accept financial or other assistance from any public or private source for the

561 agency's activities, powers, and duties, and expend any funds so received for any of the

562 purposes of this [~~chapter~~] title;

563 [(†)] (j) borrow money or accept financial or other assistance from the federal

564 government, a public entity, or any other source for any of the purposes of this [~~chapter~~] title

565 and comply with any conditions of [~~such~~] the loan or assistance; [~~and~~]

566 [(†)] (k) issue bonds to finance the undertaking of any redevelopment, economic

567 development, or [~~education housing~~] community development or for any of the agency's other

568 purposes, including:

569 (i) reimbursing an advance made by the agency or by a public entity or the federal

570 government to the agency;

571 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and

572 (iii) refunding bonds to pay or retire bonds previously issued by the community that

573 created the agency for expenses associated with a redevelopment, economic development, or

574 [~~education housing~~] community development project; and

575 [(†)] (l) transact other business and exercise all other powers provided for in this

576 [~~chapter~~] title.

577 (2) The establishment of controls or restrictions and covenants under Subsection

578 (1)[(†)](h) is a public purpose.

579 Section 7. Section **17C-1-203**, which is renumbered from Section 17B-4-203 is

580 renumbered and amended to read:

581 [~~17B-4-203~~]. **17C-1-203. Agency board -- Quorum.**

582 (1) The governing body of an agency is a board consisting of the current members of

583 the legislative body of the community that created the agency.

584 (2) A majority of board members constitutes a quorum for the transaction of agency

585 business.

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

589 Section 8. Section **17C-1-204**, which is renumbered from Section 17B-4-204 is
 590 renumbered and amended to read:

591 ~~[17B-4-204].~~ **17C-1-204. Redevelopment, economic development,**
 592 **community development by an adjoining agency -- Requirements.**

593 (1) An agency or community may, by resolution of its board or legislative body,
 594 respectively, authorize ~~[another]~~ an agency to conduct redevelopment, economic development,
 595 or ~~[education housing]~~ community development activities in a project area that includes an area
 596 within the authorizing agency's boundaries or within the boundaries of the authorizing
 597 community if the project area or community is contiguous to the boundaries of the other
 598 agency.

599 (2) If an agency board or community legislative body adopts a resolution under
 600 Subsection (1) authorizing another agency to undertake redevelopment, economic
 601 development, or ~~[education housing]~~ community development activities in the authorizing
 602 agency's project area or within the boundaries of the authorizing community:

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

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

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

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

613 Section 9. Section **17C-1-205**, which is renumbered from Section 17B-4-205 is
 614 renumbered and amended to read:

615 ~~[17B-4-205].~~ **17C-1-205. Change of project area from one community to**
 616 **another.**

617 (1) For purposes of this section:

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

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

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

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

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

627 (i) a county or municipal annexation;

628 (ii) the creation of a new county;

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

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

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

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

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

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

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

642 Section 10. Section **17C-1-206**, which is renumbered from Section 17B-4-206 is
643 renumbered and amended to read:

644 ~~[17B-4-206].~~ **17C-1-206. Use of eminent domain prohibited -- Exception.**

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

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

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

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

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

655 Section 11. Section ~~17C-1-207~~, which is renumbered from Section 17B-4-103 is
656 renumbered and amended to read:

657 ~~[17B-4-103].~~ **17C-1-207. Public entities may assist with redevelopment,**
658 **economic development, or community development project.**

659 (1) In order to assist and cooperate in the planning, undertaking, construction, or
660 operation of a redevelopment, economic development, or [~~education housing~~] community
661 development project located within the area in which it is authorized to act, a public entity
662 may:

663 (a) (i) cause to be furnished adjacent to or in connection with a redevelopment,
664 economic development, or [~~education housing~~] community development project:

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

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

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

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

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

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

674 (v) enter into an agreement with another public entity concerning action to be taken
675 pursuant to any of the powers granted in [~~this chapter, and~~] these chapters;

676 (vi) do any and all things necessary to aid or cooperate in the planning or carrying out
677 of a redevelopment, economic development, or [~~education housing~~] community development
678 project; [~~and~~]

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

682 (viii) lend, grant, or contribute funds to an agency for a redevelopment, economic
 683 development, or community development project; and

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

685 (i) [(A)] purchase or otherwise acquire property or lease property from an agency; or

686 [(B)] (ii) sell, grant, convey, or otherwise dispose of the public entity's property or

687 lease the public entity's property to an agency[;].

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

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

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

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

697 Section 12. Section **17C-1-208**, which is renumbered from Section 17B-4-104 is
 698 renumbered and amended to read:

699 ~~[17B-4-104].~~ **17C-1-208.** **Agency funds to be accounted for separately**
 700 **from community funds.**

701 Agency funds shall be accounted for separately from the funds of the community that
 702 created the agency.

703 Section 13. Section **17C-1-301**, which is renumbered from Section 17B-4-301 is
 704 renumbered and amended to read:

705 **Part 3. Agency property**

706 ~~[17B-4-301].~~ **17C-1-301.** **Agency property exempt from taxation --**

707 **Exception.**

708 (1) Agency property acquired or held for purposes of this [chapter] title is declared to
 709 be public property used for essential public and governmental purposes and, subject to

710 Subsection (2), is exempt from all taxes of a public entity.

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

713 Section 14. Section **17C-1-302**, which is renumbered from Section 17B-4-302 is
714 renumbered and amended to read:

715 ~~[17B-4-302].~~ **17C-1-302. Agency property exempt from levy and execution**
716 **sale -- Judgment against community or agency.**

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

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

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

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

727 Section 15. Section **17C-1-303**, which is renumbered from Section 17B-4-303 is
728 renumbered and amended to read:

729 ~~[17B-4-303].~~ **17C-1-303. Summary of sale or other disposition of agency**
730 **property -- Publication of summary.**

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

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

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

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

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

741 Section 16. Section **17C-1-401**, which is renumbered from Section 17B-4-1001 is
 742 renumbered and amended to read:

743 **Part 4. Tax Increment**

744 ~~[17B-4-1001].~~ **17C-1-401. Agency receipt and use of tax increment and**
 745 **sales tax -- Distribution of tax increment and sales tax.**

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

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

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

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

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

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

760 (i) for a redevelopment or economic development project area plan, the effective date
 761 of the project area plan[-]; and

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

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

767 ~~[(3)]~~ (4) With the written consent of a taxing entity, an agency may be paid tax
 768 increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer
 769 period of time, or both, than otherwise authorized under this ~~[chapter]~~ title.

770 ~~[(4)]~~ (5) Each county that collects property tax on property within a project area shall
 771 pay and distribute to the agency the tax increment that the agency is entitled to collect under

772 this [~~chapter~~] title, in the manner and at the time provided in Section 59-2-1365.

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

775 ~~[17B-4-1002]~~. **17C-1-402. Taxing entity committee.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

817 (3) A taxing entity committee represents all taxing entities regarding a redevelopment
818 or economic development project area and may:

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

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

821 (c) approve or disapprove a project area budget as provided in Section [~~17B-4-505~~]
822 17C-2-204 for a redevelopment project area budget and Section 17C-3-203 for an economic
823 development project area budget;

824 (d) approve or disapprove amendments to a project area budget as provided in Section
825 [~~17B-4-507~~] 17C-2-206 for a redevelopment project area budget and Section 17C-3-205 for an
826 economic development project area budget;

827 (e) approve exceptions to the limits on the value and size of a project area imposed
828 under this chapter;

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

831 (g) approve the use of tax increment for [~~access and utilities~~] publicly owned
832 infrastructure and improvements outside of a redevelopment or economic development project
833 area that the agency and community legislative body determine to be of benefit to the

834 redevelopment or economic development project area, as provided in Subsection
835 [~~17B-4-1007(1)(a)(ii)(D)~~] 17C-1-409(1)(a)(iii)(D);

836 (h) waive the restrictions imposed by Subsection [~~17B-4-503(2)(a)~~] 17C-2-202(1); and
837 (i) give other taxing entity committee approval or consent required or allowed under
838 this [~~chapter~~] title.

839 (4) A quorum of a taxing entity committee consists of:
840 [~~(a) except as provided in Subsection (4)(b):~~]
841 [~~(i)~~] (a) if the redevelopment or economic development project area is located within a
842 city or town, [~~five~~] six members; or
843 [~~(ii)~~] (b) if the redevelopment or economic development project area is not located
844 within a city or town, four members[; ~~or~~].
845 [~~(b) for an education housing development project area as to which the school district~~
846 ~~has elected under Subsection 17B-4-1004(5) not to allow the agency to be paid tax increment~~
847 ~~from school district tax revenues:~~]
848 [~~(i) if the project area is located within a city or town, three members; or~~]
849 [~~(ii) if the project area is not located within a city or town, two members:~~]

850 (5) Taxing entity committee approval, consent, or other action requires the affirmative
851 vote of [~~a majority of a quorum present at a taxing entity committee meeting:~~]:
852 (a) six members, if the project area is located within a city or town; or
853 (b) four members, if the project area is not located within a city or town.

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

857 (b) Each notice under Subsection (6)(a) shall be accompanied by:
858 (i) the proposed agenda for the taxing entity committee meeting; and
859 (ii) if not previously provided and if they exist and are to be considered at the meeting:
860 (A) the redevelopment or economic development project area plan or proposed plan;
861 (B) the redevelopment or economic development project area budget or proposed
862 budget;
863 (C) the analysis required under Subsection 17C-2-103(2) or 17C-3-103(2);
864 (D) the blight study;

865 (E) the agency's resolution making a finding of blight under Subsection
866 17C-2-102(1)(a)(iv)(B); and

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

868 (7) (a) A taxing entity committee may not vote on a proposed redevelopment or
869 economic development project area budget or proposed amendment to a redevelopment or
870 economic development project area budget at the first meeting at which the proposed budget or
871 amendment is considered unless all members of the taxing entity committee present at the
872 meeting consent.

873 (b) A second taxing entity committee meeting to consider a redevelopment or
874 economic development project area budget or a proposed amendment to a redevelopment or
875 economic development project area budget may not be held within 14 days after the first
876 meeting unless all members of the taxing entity committee present at the first meeting consent.

877 (8) Each taxing entity committee shall meet at least annually during the time that the
878 agency receives tax increment under a redevelopment or economic development project area
879 budget in order to review the status of the project area.

880 [~~6~~] (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open
881 and Public Meetings.

882 [~~7~~] (10) Each time a school district representative or a representative of the State
883 Board of Education votes as a member of a taxing entity committee to allow an agency to be
884 paid tax increment or to increase the amount or length of time that an agency may be paid tax
885 increment, that representative shall, within 45 days after the vote, provide to the
886 representative's respective school board an explanation in writing of the representative's vote
887 and the reasons for the vote.

888 [~~8~~] (11) (a) The [~~assessor~~] auditor of each county in which the agency is located shall
889 provide a written report to the taxing entity committee stating, with respect to property within
890 each redevelopment and economic development project area:

891 (i) the base taxable value, as adjusted by any adjustments under Section [~~17B-4-1006~~]
892 17C-1-408; and

893 (ii) the assessed value.

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

896 (i) actual amounts for each year from the adoption of the redevelopment and economic
897 development project area plan to the time of the report; and

898 (ii) estimated amounts for each year beginning the year after the time of the report and
899 ending the time that the agency expects no longer to be paid tax increment from property
900 within the redevelopment and economic development project area.

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

903 (i) at least annually; and

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

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

909 Section 18. Section **17C-1-403**, which is renumbered from Section 17B-4-1003 is
910 renumbered and amended to read:

911 **~~[17B-4-1003].~~ 17C-1-403. Tax increment under a pre-July 1, 1993 project**
912 **area plan.**

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

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

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

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

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

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

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

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

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

926 (i) an agency may be paid 100% of tax increment from a project area for 32 years after

927 April 1, 1983 to pay principal and interest on agency indebtedness incurred before April 1,
928 1983, even though the size of the project area from which tax increment is paid to the agency
929 exceeds 100 acres of privately owned property under a project area plan adopted on or before
930 April 1, 1983; and

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

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

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

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

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

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

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

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

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

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

958 [(i)] (ii) (A) the additional tax increment is used to pay some or all of the cost of the
 959 land for and installation and construction of a recreational facility, as defined in Section
 960 59-12-702, or a cultural facility, including parking and infrastructure improvements related to
 961 the recreational or cultural facility, whether or not the facility is located within a project area;

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

964 [(iii)] (C) the additional tax increment is pledged on or before July 1, 2005, to pay all
 965 or part of the cost of the land for and the installation and construction of the recreational or
 966 cultural facility, including parking and infrastructure improvements related to the recreational
 967 or cultural facility.

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

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

973 Section 19. Section **17C-1-404**, which is renumbered from Section 17B-4-1004 is
 974 renumbered and amended to read:

975 [~~17B-4-1004~~]. **17C-1-404**. Tax increment under a post-June 30, 1993
 976 project area plan.

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

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

980 (a) if 20% of the project area budget is allocated for housing under Section
 981 [~~17B-4-504~~] 17C-2-203:

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

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

984 (iii) if approved by the taxing entity committee, any percentage of tax increment up to
 985 100%, or any specified dollar amount, for any period of time; or

986 (b) if 20% of the project area budget is not allocated for housing under Section
 987 [~~17B-4-504~~] 17C-2-203:

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

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

990 (iii) if approved by the taxing entity committee, any percentage of tax increment up to
991 100%, or any specified dollar amount, for any period of time.

992 ~~[(3) (a) An agency may, without the approval of the taxing entity committee, elect to be
993 paid 100% of annual tax increment for each year beyond the periods specified in Subsection (2)
994 to a maximum of 25 years, including the years the agency is paid tax increment under
995 Subsection (2), if:]~~

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

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

1000 ~~[(F) an interchange on I-15, whether or not the interchange is located within a project
1001 area; or]~~

1002 ~~[(H) frontage and other roads connecting to the interchange, as determined by the
1003 Department of Transportation created under Section 72-1-201 and the Transportation
1004 Commission created under Section 72-1-301, whether or not the frontage or other road is
1005 located within a project area; and]~~

1006 ~~[(B) the installation, construction, or reconstruction of the interchange or frontage and
1007 other roads has begun on or before June 30, 2002;]~~

1008 ~~[(ii) for an agency in a city of the first or second class:]~~

1009 ~~[(A) the tax increment paid to the agency during the additional years is used to pay
1010 some or all of the cost of the land for and installation and construction of a recreational facility,
1011 as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure
1012 improvements related to the recreational or cultural facility, whether or not the facility is
1013 located within a project area; and]~~

1014 ~~[(B) the installation or construction of the recreational or cultural facility has begun on
1015 or before June 30, 2002;]~~

1016 ~~[(b) Notwithstanding any other provision of this section, an agency may use tax
1017 increment received under Subsection (2) for any of the uses indicated in this Subsection (3):]~~

1018 ~~[(c) Notwithstanding Subsection (3)(a), a school district may not, without its consent,
1019 receive less tax increment because of application of Subsection (3)(a) than it would have~~

1020 received without that subsection.]

1021 [~~(4) An agency may not be paid tax increment from the project area for more than 25~~
1022 years.]

1023 [~~(5) (a) A school district that levies a tax on property located within a project area~~
1024 under an education housing development project area plan may elect not to allow the agency to
1025 be paid tax increment from the property tax revenues generated by the school district.]

1026 [~~(b) An election under Subsection (5)(a) shall be made in writing to the agency before~~
1027 the taxing entity committee's approval of the project area budget.]

1028 [~~(c) If a school district makes an election under this Subsection (5):]~~

1029 [~~(i) the agency may not be paid tax increment from property tax revenues generated by~~
1030 the school district; and]

1031 [~~(ii) the school district representatives and the State Board of Education representative~~
1032 on the taxing entity committee may not vote on any matter concerning the education housing
1033 development project area or project area budget.]

1034 Section 20. Section **17C-1-405** is enacted to read:

1035 **17C-1-405. Tax increment under a project area plan adopted on or after May 1,**
1036 **2006.**

1037 (1) This section applies to tax increment under a project area plan adopted on or after
1038 May 1, 2006.

1039 (2) Subject to the approval of the taxing entity committee, an agency board may
1040 provide in the project area budget for the agency to be paid any percentage of tax increment up
1041 to 100% or any specified dollar amount of tax increment for any period of time.

1042 Section 21. Section **17C-1-406** is enacted to read:

1043 **17C-1-406. Additional tax increment under certain post-June 30, 1993 project**
1044 **area plans.**

1045 (1) This section applies to a post-June 30, 1993 project area plan adopted before May
1046 1, 2006.

1047 (2) An agency may, without the approval of the taxing entity committee, elect to be
1048 paid 100% of annual tax increment for each year beyond the periods specified in Subsection
1049 17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment
1050 under Subsection 17C-1-404(2), if:

1051 (a) for an agency in a city in which is located all or a portion of an interchange on I-15
1052 or that would directly benefit from an interchange on I-15:

1053 (i) the tax increment paid to the agency during the additional years is used to pay some
1054 or all of the cost of the installation, construction, or reconstruction of:

1055 (A) an interchange on I-15, whether or not the interchange is located within a project
1056 area; or

1057 (B) frontage and other roads connecting to the interchange, as determined by the
1058 Department of Transportation created under Section 72-1-201 and the Transportation
1059 Commission created under Section 72-1-301, whether or not the frontage or other road is
1060 located within a project area; and

1061 (ii) the installation, construction, or reconstruction of the interchange or frontage and
1062 other roads has begun on or before June 30, 2002; or

1063 (b) for an agency in a city of the first or second class:

1064 (i) the tax increment paid to the agency during the additional years is used to pay some
1065 or all of the cost of the land for and installation and construction of a recreational facility, as
1066 defined in Section 59-12-702, or a cultural facility, including parking and infrastructure
1067 improvements related to the recreational or cultural facility, whether or not the facility is
1068 located within a project area; and

1069 (ii) the installation or construction of the recreational or cultural facility has begun on
1070 or before June 30, 2002.

1071 (3) Notwithstanding any other provision of this section, an agency may use tax
1072 increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.

1073 (4) Notwithstanding Subsection (2), a school district may not, without its consent,
1074 receive less tax increment because of application of Subsection (2) than it would have received
1075 without that subsection.

1076 Section 22. Section **17C-1-407**, which is renumbered from Section 17B-4-1005 is
1077 renumbered and amended to read:

1078 **~~17B-4-1005~~. 17C-1-407. Limitations on tax increment.**

1079 (1) (a) If the development of retail sales of goods is the primary objective of ~~the~~ a
1080 redevelopment project area, tax increment from the redevelopment project area may not be paid
1081 to or used by an agency unless a finding of blight is made under Chapter 2, Part [6] 3, Blight

1082 Determination in Redevelopment Project Areas.

1083 (b) [~~Incidental or subordinate development~~] Development of retail sales of goods does
1084 not disqualify an agency from receiving tax increment.

1085 (c) [~~From~~] After July 1, 2005 [~~through June 30, 2006~~], an agency may not be paid or
1086 use tax increment generated from the value of property within an economic development [~~or~~
1087 ~~education housing development~~] project area that is attributable to the development of retail
1088 sales of goods, unless the tax increment was previously pledged to pay for bonds or other
1089 contractual obligations of the agency.

1090 (2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from
1091 an increase in the taxing entity's tax rate that occurs after the taxing entity committee approves
1092 the project area budget unless, at the time the taxing entity committee approves the project area
1093 budget, the taxing entity committee approves payment of those increased taxes to the agency.

1094 (b) If the taxing entity committee does not approve of payment of the increased taxes to
1095 the agency under Subsection (2)(a), the county shall distribute to the taxing entity the taxes
1096 attributable to the tax rate increase in the same manner as other property taxes.

1097 Section 23. Section **17C-1-408**, which is renumbered from Section 17B-4-1006 is
1098 renumbered and amended to read:

1099 ~~[17B-4-1006]~~. **17C-1-408**. **Base taxable value to be adjusted to reflect other**
1100 **changes.**

1101 (1) (a) (i) As used in this Subsection (1), "qualifying decrease" means:

1102 (A) a decrease of more than 20% from the previous tax year's levy; or

1103 (B) a cumulative decrease over a consecutive five-year period of more than 100% from
1104 the levy in effect at the beginning of the five-year period.

1105 (ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the
1106 fifth year of the five-year period.

1107 (b) If there is a qualifying decrease in the minimum basic school levy under Section
1108 59-2-902 that would result in a reduction of the amount of tax increment to be paid to an
1109 agency:

1110 (i) the base taxable value of taxable property within the project area shall be reduced in
1111 the year of the qualifying decrease to the extent necessary, even if below zero, to provide the
1112 agency with approximately the same amount of tax increment that would have been paid to the

1113 agency each year had the qualifying decrease not occurred; and

1114 (ii) the amount of tax increment paid to the agency each year for the payment of bonds
1115 and indebtedness may not be less than what would have been paid to the agency if there had
1116 been no qualifying decrease.

1117 (2) (a) The amount of the base taxable value to be used in determining tax increment
1118 shall be:

1119 (i) increased or decreased by the amount of an increase or decrease that results from:

1120 (A) a statute enacted by the Legislature or by the people through an initiative;

1121 (B) a judicial decision;

1122 (C) an order from the State Tax Commission to a county to adjust or factor its
1123 assessment rate under Subsection 59-2-704(2);

1124 (D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or
1125 Section 59-2-103; or

1126 (E) an increase or decrease in the percentage of fair market value, as defined under
1127 Section 59-2-102; and

1128 (ii) reduced for any year to the extent necessary, even if below zero, to provide an
1129 agency with approximately the same amount of money the agency would have received without
1130 a reduction in the county's certified tax rate if:

1131 (A) in that year there is a decrease in the county's certified tax rate under Subsection
1132 59-2-924(2)(c) or (d)(i);

1133 (B) the amount of the decrease is more than 20% of the county's certified tax rate of the
1134 previous year; and

1135 (C) the decrease would result in a reduction of the amount of tax increment to be paid
1136 to the agency.

1137 (b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax
1138 increment paid to an agency each year for payment of bonds or other indebtedness may not be
1139 less than would have been paid to the agency each year if there had been no increase or
1140 decrease under Subsection (2)(a).

1141 Section 24. Section **17C-1-409**, which is renumbered from Section 17B-4-1007 is
1142 renumbered and amended to read:

1143 ~~[17B-4-1007]~~. **17C-1-409**. Allowable uses of tax increment and sales tax.

1144 (1) (a) An agency may use tax increment and sales tax proceeds received from a taxing
1145 entity:

1146 (i) for any of the purposes for which the use of tax increment is authorized under this
1147 [chapter] title;

1148 (ii) for administrative, overhead, legal, and other operating expenses of the agency; or
1149 [(ii)] (iii) to pay for, including financing or refinancing, all or part of:

1150 (A) the redevelopment, economic development, or [education housing] community
1151 development in the project area from which the tax increment funds were collected;

1152 (B) housing expenditures, projects, or programs as provided in Section [17B-4-1009]
1153 17C-1-411 or [17B-4-1010] 17C-1-412;

1154 (C) with the consent of the community legislative body and subject to Subsection [(3)]
1155 (6), the value of the land for and the cost of the installation and construction of any publicly
1156 owned building, facility, structure, landscaping, or other improvement within the project area
1157 from which the tax increment funds were collected; and

1158 (D) with the consent of the community legislative body and the taxing entity
1159 committee, the cost of the installation of publicly owned [utilities and access] infrastructure
1160 and improvements outside the project area from which the tax increment funds were collected
1161 if the agency board and the community legislative body determine by resolution that the
1162 [utilities and access] publicly owned infrastructure and improvements are of benefit to the
1163 project area~~;~~ or.

1164 [(iii) for administrative, overhead, legal, and other operating expenses of the agency.]

1165 (b) The determination of the agency board and the community legislative body under
1166 Subsection (1)(a)~~[(ii)]~~(iii)(D) regarding benefit to the project area shall be final and conclusive.

1167 (2) Sales tax proceeds that an agency receives from another public entity are not
1168 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use
1169 Tax Incentive Payments Act.

1170 (3) An agency may use sales tax proceeds it receives under a resolution or interlocal
1171 agreement under Section 17C-4-201 for the uses authorized in the resolution or interlocal
1172 agreement.

1173 ~~[(2)]~~ (4) (a) An agency may contract with the community that created the agency or
1174 another public entity to use tax increment to reimburse the cost of items authorized by this

1175 ~~[chapter]~~ title to be paid by the agency that have been or will be paid by the community or
 1176 other public entity.

1177 (b) If land has been or will be acquired or the cost of an improvement has been or will
 1178 be paid by another public entity and the land or improvement has been or will be leased to the
 1179 community, an agency may contract with and make reimbursement from tax increment funds to
 1180 the community.

1181 (5) An agency created by a city of the first or second class may use tax increment from
 1182 one project area in another project area to pay all or part of the value of the land for and the
 1183 cost of the installation and construction of a publicly or privately owned convention center or
 1184 sports complex or any building, facility, structure, or other improvement related to the
 1185 convention center or sports complex, including parking and infrastructure improvements, if:

1186 (a) construction of the convention center or sports complex or related building, facility,
 1187 structure, or other improvement is commenced on or before June 30, 2002; and

1188 (b) the tax increment is pledged to pay all or part of the value of the land for and the
 1189 cost of the installation and construction of the convention center or sports complex or related
 1190 building, facility, structure, or other improvement.

1191 ~~[(3)]~~ (6) Notwithstanding any other provision of this ~~[chapter]~~ title, an agency may not
 1192 use tax increment to construct municipal buildings, courts or other judicial buildings, or fire
 1193 stations.

1194 ~~[(4)]~~ (7) Notwithstanding any other provision of this ~~[chapter]~~ title, an agency may not
 1195 use tax increment under a redevelopment or economic development project area plan, to pay
 1196 any of the cost of the land, infrastructure, or construction of a stadium or arena constructed
 1197 after March 1, 2005, unless the tax increment has been pledged for that purpose before
 1198 February 15, 2005.

1199 Section 25. Section **17C-1-410**, which is renumbered from Section 17B-4-1008 is
 1200 renumbered and amended to read:

1201 ~~[17B-4-1008]~~. **17C-1-410**. **Agency may make payments to other taxing**
 1202 **entities.**

1203 (1) ~~[An]~~ Subject to Subsection (3), an agency may grant tax increment or other agency
 1204 funds to a taxing entity to offset some or all of the tax revenues that the taxing entity did not
 1205 receive because of tax increment paid to the agency.

1206 (2) (a) ~~[An]~~ Subject to Subsection (3), an agency may use tax increment or other
 1207 agency funds to pay to a school district an amount of money that the agency determines to be
 1208 appropriate to alleviate a financial burden or detriment borne by the school district because of
 1209 the redevelopment, economic development, or ~~[education housing]~~ community development.

1210 (b) Each agency that agrees to pay money to a school district under the authority of
 1211 Subsection (2)(a) shall provide a copy of that agreement to the State Board of Education.

1212 (3) (a) If an agency intends to pay agency funds to one or more taxing entities under
 1213 Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally
 1214 equal amounts, the agency shall provide written notice to each taxing entity of its intent.

1215 (b) (i) A taxing entity receiving notice under Subsection (3)(a) may elect not to have its
 1216 tax increment collected and used to pay funds to other taxing entities under this section.

1217 (ii) Each election under Subsection (3)(b)(i) shall be:

1218 (A) in writing; and

1219 (B) delivered to the agency within 30 days after the taxing entity's receipt of the notice
 1220 under Subsection (3)(a).

1221 (c) If a taxing entity makes an election under Subsection (3)(b), the portion of that
 1222 taxing entity's tax increment that would have been used by the agency to pay funds under this
 1223 section to one or more other taxing entities may not be collected from the taxing entity.

1224 Section 26. Section **17C-1-411**, which is renumbered from Section 17B-4-1009 is
 1225 renumbered and amended to read:

1226 ~~[17B-4-1009].~~ **17C-1-411.** **Agency may use tax increment for housing costs**
 1227 **in other project areas -- Funds to be held in separate accounts.**

1228 ~~[(1) For purposes of this section, "affordable housing" means housing to be owned or~~
 1229 ~~occupied by persons and families of low or moderate income, as determined by resolution of~~
 1230 ~~the agency.]~~

1231 ~~[(2)]~~ (1) An agency may:

1232 (a) use tax increment from a project area to pay all or part of the value of the land for
 1233 and the cost of installation, construction, and rehabilitation of any building, facility, structure,
 1234 or other housing improvement, including infrastructure improvements related to housing,
 1235 located in any project area within the agency's boundaries; and

1236 (b) use up to 20% of tax increment outside of project areas for the purpose of replacing

1237 housing units lost by redevelopment, economic development, or [~~education housing~~
 1238 community development, or increasing, improving, and preserving generally the affordable
 1239 housing supply of the community that created the agency.

1240 [~~(3)~~] (2) (a) Each agency shall separately account for funds allocated under this section.

1241 (b) Interest earned by the housing fund and any payments or repayments made to the
 1242 agency for loans, advances, or grants of any kind from the fund, shall accrue to the housing
 1243 fund.

1244 (c) Each agency designating a housing fund under this section shall use the fund for:

1245 (i) the purposes set forth in this section; or

1246 (ii) the purposes set forth in this [~~chapter~~] title relating to the redevelopment, economic
 1247 development, or [~~education housing~~] community development project area from which the
 1248 funds originated.

1249 [~~(4)~~] (3) An agency may lend, grant, or contribute funds from the housing fund to a
 1250 person, public entity, housing authority, private entity or business, or nonprofit corporation for
 1251 affordable housing.

1252 Section 27. Section **17C-1-412**, which is renumbered from Section 17B-4-1010 is
 1253 renumbered and amended to read:

1254 [~~17B-4-1010~~]. **17C-1-412. Income targeted housing -- Agency may use tax**
 1255 **increment for income targeted housing.**

1256 [~~(1) As used in this section:~~]

1257 [~~(a) "Annual income" has the meaning as defined under regulations of the U.S.~~
 1258 ~~Department of Housing and Urban Development, 24 CFR, Part 813, as amended or as~~
 1259 ~~superseded by replacement regulations.]~~

1260 [~~(b) "Fair share ratio" means the ratio derived by:~~]

1261 [~~(i) for a city or town, comparing the percentage of all housing units within the city or~~
 1262 ~~town that are publicly subsidized income targeted housing units to the percentage of all~~
 1263 ~~housing units within the whole county that are publicly subsidized income targeted housing~~
 1264 ~~units; or]~~

1265 [~~(ii) for the unincorporated part of a county, comparing the percentage of all housing~~
 1266 ~~units within the unincorporated county that are publicly subsidized income targeted housing~~
 1267 ~~units to the percentage of all housing units within the whole county that are publicly subsidized~~

1268 ~~income targeted housing units.]~~

1269 ~~[(c) "Family" has the meaning as defined under regulations of the U.S. Department of~~
1270 ~~Housing and Urban Development, 24 CFR, Part 813, as amended or as superseded by~~
1271 ~~replacement regulations.]~~

1272 ~~[(d) "Housing funds" means the funds allocated in the project area budget under~~
1273 ~~Section 17B-4-504 for the purposes provided in Subsection (2).]~~

1274 ~~[(e) "Income targeted housing" means housing to be owned or occupied by a family~~
1275 ~~whose annual income is at or below 80% of the median annual income for the county in which~~
1276 ~~the housing is located.]~~

1277 ~~[(f) "Unincorporated" means not within a city or town.]~~

1278 ~~[(2)] (1) (a) Each agency shall use all funds allocated for housing under this section to:~~

1279 (i) pay part or all of the cost of land or construction of income targeted housing within
1280 the community that created the agency, if practicable in a mixed income development or area;

1281 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the
1282 community that created the agency;

1283 (iii) pay part or all of the cost of land or installation, construction, or rehabilitation of
1284 any building, facility, structure, or other housing improvement, including infrastructure
1285 improvements, related to housing located in a project area where blight has been found to exist;

1286 (iv) replace housing units lost as a result of the redevelopment, economic development,
1287 or ~~education housing~~ community development;

1288 (v) make payments on or establish a reserve fund for bonds:

1289 (A) issued by the agency, the community, or the housing authority that provides
1290 income targeted housing within the community; and

1291 (B) all or part of the proceeds of which are used within the community for the purposes
1292 stated in Subsection ~~[(2)] (1)(a)(i), (ii), (iii), or (iv); or~~

1293 (vi) if the community's fair share ratio at the time of the first adoption of the project
1294 area budget is at least 1.1 to 1.0, make payments on bonds:

1295 (A) that were previously issued by the agency, the community, or the housing authority
1296 that provides income targeted housing within the community; and

1297 (B) all or part of the proceeds of which were used within the community for the
1298 purposes stated in Subsection ~~[(2)] (1)(a)(i), (ii), (iii), or (iv).~~

1299 (b) As an alternative to the requirements of Subsection [~~(2)~~] (1)(a), an agency may pay
1300 all or any portion of housing funds to:

1301 (i) the community for use as provided under Subsection [~~(2)~~] (1)(a);

1302 (ii) the housing authority that provides income targeted housing within the community
1303 for use in providing income targeted housing within the community; or

1304 (iii) the Olene Walker Housing Loan Fund, established under Title 9, Chapter 4, Part 7,
1305 Olene Walker Housing Loan Fund, for use in providing income targeted housing within the
1306 community.

1307 [~~(3)~~] (2) The agency or community shall separately account for the housing funds,
1308 together with all interest earned by the housing funds and all payments or repayments for loans,
1309 advances, or grants from the housing funds.

1310 [~~(4)~~] (3) In using housing funds under Subsection [~~(2)~~] (1)(a), an agency may lend,
1311 grant, or contribute housing funds to a person, public body, housing authority, private entity or
1312 business, or nonprofit organization for use as provided in Subsection [~~(2)~~] (1)(a).

1313 [~~(5)~~] (4) An agency may:

1314 (a) issue bonds from time to time to finance a housing undertaking under this section,
1315 including the payment of principal and interest upon advances for surveys and plans or
1316 preliminary loans; and

1317 (b) issue refunding bonds for the payment or retirement of bonds under Subsection
1318 [~~(5)~~] (4)(a) previously issued by the agency.

1319 [~~(6)~~] (5) (a) If an agency fails to provide housing funds in accordance with the project
1320 area budget and, if applicable, the housing plan adopted under Subsection [~~17B-4-505~~]
1321 17C-2-204(2), the loan fund board may bring legal action to compel the agency to provide the
1322 housing funds.

1323 (b) In an action under Subsection [~~(6)~~] (5)(a), the court:

1324 (i) shall award the loan fund board a reasonable attorney's fee, unless the court finds
1325 that the action was frivolous; and

1326 (ii) may not award the agency its attorney's fees, unless the court finds that the action
1327 was frivolous.

1328 Section 28. Section **17C-1-413**, which is renumbered from Section 17B-4-1011 is
1329 renumbered and amended to read:

1330 ~~[17B-4-1011]~~. 17C-1-413. **Base taxable value for new tax.**

1331 For purposes of calculating tax increment with respect to a tax that a taxing entity levies
1332 for the first time after the effective date of the project area plan, the base taxable value shall be
1333 used, subject to any adjustments under Section ~~[17B-4-1006]~~ 17C-1-408.

1334 Section 29. Section **17C-1-501**, which is renumbered from Section 17B-4-1201 is
1335 renumbered and amended to read:

1336 **Part 5. Bonds**

1337 ~~[17B-4-1201]~~. 17C-1-501. **Resolution authorizing issuance of agency bonds**

1338 **-- Characteristics of bonds.**

1339 (1) An agency may not issue bonds under this part unless the agency board first adopts
1340 a resolution authorizing their issuance.

1341 (2) (a) As provided in the agency resolution authorizing the issuance of bonds under
1342 this part or the trust indenture under which the bonds are issued, bonds issued under this part
1343 may be issued in one or more series and may be sold at public or private sale and in the manner
1344 provided in the resolution or indenture.

1345 (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest
1346 at the rate, be in the denomination and in the form, carry the conversion or registration
1347 privileges, have the rank or priority, be executed in the manner, be subject to the terms of
1348 redemption or tender, with or without premium, be payable in the medium of payment and at
1349 the place, and have other characteristics as provided in the agency resolution authorizing their
1350 issuance or the trust indenture under which they are issued.

1351 Section 30. Section **17C-1-502**, which is renumbered from Section 17B-4-1202 is
1352 renumbered and amended to read:

1353 ~~[17B-4-1202]~~. 17C-1-502. **Sources from which bonds may be made payable**

1354 **-- Agency powers regarding bonds.**

1355 (1) The principal and interest on bonds issued by an agency may be made payable
1356 from:

1357 (a) the income and revenues of the projects financed with the proceeds of the bonds;

1358 (b) the income and revenues of certain designated projects whether or not they were
1359 financed in whole or in part with the proceeds of the bonds;

1360 (c) the income, proceeds, revenues, property, and funds of the agency derived from or

1361 held in connection with its undertaking and carrying out redevelopment, economic
1362 development, or [~~education housing~~] community development;

1363 (d) tax increment funds;

1364 (e) agency revenues generally;

1365 (f) a contribution, loan, grant, or other financial assistance from the federal government
1366 or a public entity in aid of redevelopment, economic development, or [~~education housing~~]
1367 community development; or

1368 (g) funds derived from any combination of the methods listed in Subsections (1)(a)
1369 through (f).

1370 (2) In connection with the issuance of agency bonds, an agency may:

1371 (a) pledge all or any part of its gross or net rents, fees, or revenues to which its right
1372 then exists or may thereafter come into existence;

1373 (b) encumber by mortgage, deed of trust, or otherwise all or any part of its real or
1374 personal property, then owned or thereafter acquired; and

1375 (c) make the covenants and take the action that may be necessary, convenient, or
1376 desirable to secure its bonds, or, except as otherwise provided in this chapter, that will tend to
1377 make the bonds more marketable, even though such covenants or actions are not specifically
1378 enumerated in this chapter.

1379 Section 31. Section **17C-1-503**, which is renumbered from Section 17B-4-1203 is
1380 renumbered and amended to read:

1381 ~~[17B-4-1203]~~. **17C-1-503. Signature of officer who leaves office.**

1382 If an agency officer whose signature appears on a bond issued under this part leaves
1383 office before delivery of the bond, the signature shall continue to be valid as if the official had
1384 remained in office until delivery of the bond.

1385 Section 32. Section **17C-1-504**, which is renumbered from Section 17B-4-1204 is
1386 renumbered and amended to read:

1387 ~~[17B-4-1204]~~. **17C-1-504. Contesting the legality of resolution authorizing**
1388 **bonds -- Time limit -- Presumption.**

1389 (1) Any person may contest the legality of the resolution authorizing issuance of the
1390 bonds or any provisions for the security and payment of the bonds for a period of 30 days after:

1391 (a) publication of the resolution authorizing the bonds; or

1392 (b) publication of a notice of bonds containing substantially the items required under
1393 Subsection 11-14-316(2).

1394 (2) After the 30-day period under Subsection (1), no lawsuit or other proceeding may
1395 be brought contesting the regularity, formality, or legality of the bonds for any reason.

1396 (3) In a lawsuit or other proceeding involving the question of whether a bond issued
1397 under this part is valid or enforceable or involving the security for a bond, if a bond recites that
1398 the agency issued the bond in connection with a redevelopment, economic development, or
1399 ~~[education housing]~~ community development:

1400 (a) the bond shall be conclusively presumed to have been issued for that purpose; and

1401 (b) the project area plan and project area shall be conclusively presumed to have been
1402 properly formed, adopted, planned, located, and carried out in accordance with this ~~[chapter]~~
1403 title.

1404 Section 33. Section **17C-1-505**, which is renumbered from Section 17B-4-1205 is
1405 renumbered and amended to read:

1406 ~~[17B-4-1205]~~. **17C-1-505. Authority to purchase agency bonds.**

1407 (1) Any person, firm, corporation, association, political subdivision of the state, or
1408 other entity or public or private officer may purchase bonds issued by an agency under this part
1409 with funds owned or controlled by the purchaser.

1410 (2) Nothing in this section may be construed to relieve a purchaser of agency bonds of
1411 any duty to exercise reasonable care in selecting securities.

1412 Section 34. Section **17C-1-506**, which is renumbered from Section 17B-4-1206 is
1413 renumbered and amended to read:

1414 ~~[17B-4-1206]~~. **17C-1-506. Those executing bonds not personally liable --**
1415 **Limitation of obligations under bonds -- Negotiability.**

1416 (1) A member of an agency board or other person executing an agency bond is not
1417 liable personally on the bond.

1418 (2) (a) A bond issued by an agency is not a general obligation or liability of the
1419 community, the state, or any of its political subdivisions and does not constitute a charge
1420 against their general credit or taxing powers.

1421 (b) A bond issued by an agency is not payable out of any funds or properties other than
1422 those of the agency.

1423 (c) The community, the state, and its political subdivisions may not be liable on a bond
1424 issued by an agency.

1425 (d) A bond issued by an agency does not constitute indebtedness within the meaning of
1426 any constitutional or statutory debt limitation.

1427 (3) A bond issued by an agency under this part is fully negotiable.

1428 Section 35. Section **17C-1-507**, which is renumbered from Section 17B-4-1207 is
1429 renumbered and amended to read:

1430 ~~[17B-4-1207]~~. **17C-1-507. Obligee rights -- Board may confer other rights.**

1431 (1) In addition to all other rights that are conferred on an obligee of a bond issued by an
1432 agency under this part and subject to contractual restrictions binding on the obligee, an obligee
1433 may:

1434 (a) by mandamus, suit, action, or other proceeding, compel an agency and its board,
1435 officers, agents, or employees to perform every term, provision, and covenant contained in any
1436 contract of the agency with or for the benefit of the obligee, and require the agency to carry out
1437 the covenants and agreements of the agency and to fulfill all duties imposed on the agency by
1438 this part; and

1439 (b) by suit, action, or proceeding in equity, enjoin any acts or things that may be
1440 unlawful or violate the rights of the obligee.

1441 (2) (a) In a board resolution authorizing the issuance of bonds or in a trust indenture,
1442 mortgage, lease, or other contract, an agency board may confer upon an obligee holding or
1443 representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue
1444 upon the happening of an event or default prescribed in the resolution, indenture, mortgage,
1445 lease, or other contract, and to be exercised by suit, action, or proceeding in any court of
1446 competent jurisdiction.

1447 (b) (i) The rights that the board may confer under Subsection (2)(a) are the rights to:

1448 (A) cause possession of all or part of a redevelopment, economic development, or
1449 ~~[education housing]~~ community development project to be surrendered to an obligee;

1450 (B) obtain the appointment of a receiver of all or part of an agency's redevelopment,
1451 economic development, or ~~[education housing]~~ community development project and of the
1452 rents and profits from it; and

1453 (C) require the agency and its board and employees to account as if the agency and the

1454 board and employees were the trustees of an express trust.

1455 (ii) If a receiver is appointed through the exercise of a right granted under Subsection
1456 (2)(b)(i)(B), the receiver:

1457 (A) may enter and take possession of the redevelopment, economic development, or
1458 [~~education-housing~~] community development project or any part of it, operate and maintain it,
1459 and collect and receive all fees, rents, revenues, or other charges arising from it after the
1460 receiver's appointment; and

1461 (B) shall keep money collected as receiver for the agency in separate accounts and
1462 apply it pursuant to the agency obligations as the court directs.

1463 Section 36. Section **17C-1-508**, which is renumbered from Section 17B-4-1208 is
1464 renumbered and amended to read:

1465 ~~[17B-4-1208].~~ **17C-1-508. Bonds exempt from taxes -- Agency may**
1466 **purchase its own bonds.**

1467 (1) A bond issued by an agency under this part is issued for an essential public and
1468 governmental purpose and is, together with interest on the bond and income from it, exempt
1469 from all state taxes except the corporate franchise tax.

1470 (2) An agency may purchase its own bonds at a price that its board determines.

1471 (3) Nothing in this section may be construed to limit the right of an obligee to pursue a
1472 remedy for the enforcement of a pledge or lien given under this part by an agency on its rents,
1473 fees, grants, properties, or revenues.

1474 Section 37. Section **17C-1-601**, which is renumbered from Section 17B-4-1301 is
1475 renumbered and amended to read:

Part 6. Agency Annual Budget and Audit and Other Provisions

1477 ~~[17B-4-1301].~~ **17C-1-601. Annual agency budget -- Fiscal year -- Public**
1478 **hearing required -- Auditor forms -- Requirement to file form.**

1479 (1) Each agency shall prepare and its board adopt an annual budget of revenues and
1480 expenditures for the agency for each fiscal year.

1481 (2) Each annual agency budget shall be adopted:

1482 (a) for an agency created by a city or town, before June 22; or

1483 (b) for an agency created by a county, before December 15.

1484 (3) The agency's fiscal year shall be the same as the fiscal year of the community that

1485 created the agency.

1486 (4) (a) Before adopting an annual budget, each agency board shall hold a public hearing
1487 on the annual budget.

1488 (b) Each agency shall provide notice of the public hearing on the annual budget by:

1489 (i) publishing at least one notice in a newspaper of general circulation within the
1490 agency boundaries, one week before the public hearing; or

1491 (ii) if there is no newspaper of general circulation within the agency boundaries,
1492 posting a notice of the public hearing in at least three public places within the agency
1493 boundaries.

1494 (c) Each agency shall make the annual budget available for public inspection at least
1495 three days before the date of the public hearing.

1496 (5) The state auditor shall prescribe the budget forms and the categories to be contained
1497 in each agency budget, including:

1498 (a) revenues and expenditures for the budget year;

1499 (b) legal fees; and

1500 (c) administrative costs, including rent, supplies, and other materials, and salaries of
1501 agency personnel.

1502 (6) (a) Within 30 days after adopting an annual budget, each agency board shall file a
1503 copy of the annual budget with the auditor of the county in which the agency is located, the
1504 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
1505 that levies a tax on property from which the agency collects tax increment.

1506 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
1507 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
1508 state auditor.

1509 Section 38. Section **17C-1-602**, which is renumbered from Section 17B-4-1302 is
1510 renumbered and amended to read:

1511 ~~[17B-4-1302]~~. **17C-1-602. Amending the agency annual budget.**

1512 (1) An agency board may by resolution amend an annual agency budget.

1513 (2) An amendment of the annual agency budget that would increase the total
1514 expenditures may be made only after public hearing by notice published as required for initial
1515 adoption of the annual budget.

1516 (3) An agency may not make expenditures in excess of the total expenditures
1517 established in the annual budget as it is adopted or amended.

1518 Section 39. Section **17C-1-603**, which is renumbered from Section 17B-4-1303 is
1519 renumbered and amended to read:

1520 ~~[17B-4-1303].~~ **17C-1-603. Agency report.**

1521 (1) (a) On or before November 1 of each year, each agency shall prepare and file a
1522 report with the county auditor, the State Tax Commission, the State Board of Education, and
1523 each taxing entity that levies a tax on property from which the agency collects tax increment.

1524 (b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a
1525 taxing entity is met if the agency files a copy with the State Tax Commission and the state
1526 auditor.

1527 (2) Each report under Subsection (1) shall contain:

1528 (a) an estimate of the tax increment to be paid to the agency for the calendar year
1529 ending December 31; and

1530 (b) an estimate of the tax increment to be paid to the agency for the calendar year
1531 beginning the next January 1.

1532 Section 40. Section **17C-1-604**, which is renumbered from Section 17B-4-1304 is
1533 renumbered and amended to read:

1534 ~~[17B-4-1304].~~ **17C-1-604. Audit requirements.**

1535 Each agency shall comply with the audit requirements of Title 51, Chapter 2a,
1536 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local
1537 Entities Act.

1538 Section 41. Section **17C-1-605**, which is renumbered from Section 17B-4-1305 is
1539 renumbered and amended to read:

1540 ~~[17B-4-1305].~~ **17C-1-605. Audit report.**

1541 (1) Each agency required to be audited under Section ~~[17B-4-1304]~~ 17C-1-604 shall,
1542 within 180 days after the end of the agency's fiscal year, file a copy of the audit report with the
1543 county auditor, the State Tax Commission, the State Board of Education, and each taxing entity
1544 that levies a tax on property from which the agency collects tax increment.

1545 (2) Each audit report under Subsection (1) shall include:

1546 (a) the tax increment collected by the agency for each project area;

1547 (b) the amount of tax increment paid to each taxing entity under Section [~~17B-4-1008~~]
1548 17C-1-410;

1549 (c) the outstanding principal amount of bonds issued or other loans incurred to finance
1550 the costs associated with the agency's project areas; and

1551 (d) the actual amount expended for:

1552 (i) acquisition of property;

1553 (ii) site improvements or site preparation costs;

1554 (iii) installation of public utilities or other public improvements; and

1555 (iv) administrative costs of the agency.

1556 Section 42. Section **17C-1-606**, which is renumbered from Section 17B-4-1306 is
1557 renumbered and amended to read:

1558 ~~[17B-4-1306]~~. **17C-1-606**. **County auditor report on project areas.**

1559 (1) (a) On or before March 31 of each year, the auditor of each county in which an
1560 agency is located shall prepare a report on the project areas within each agency.

1561 (b) The county auditor shall send a copy of each report under Subsection (1)(a) to the
1562 agency that is the subject of the report, the State Tax Commission, the State Board of
1563 Education, and each taxing entity that levies a tax on property from which the agency collects
1564 tax increment.

1565 (2) Each report under Subsection (1)(a) shall report:

1566 (a) the total assessed property value within each project area for the previous tax year;

1567 (b) the base taxable value of property within each project area for the previous tax year;

1568 (c) the tax increment available to be paid to the agency for the previous tax year;

1569 (d) the tax increment requested by the agency for the previous tax year; and

1570 (e) the tax increment paid to the agency for the previous tax year.

1571 (3) Within 30 days after a request by an agency, the State Tax Commission, the State
1572 Board of Education, or any taxing entity that levies a tax on property from which the agency
1573 receives tax increment, the county auditor or the county assessor shall provide access to:

1574 (a) the county auditor's method and calculations used to make adjustments under
1575 Section [~~17B-4-1006~~] 17C-1-408;

1576 (b) the unequalized assessed valuation of an existing or proposed project area, or any
1577 parcel or parcels within an existing or proposed project area, if the equalized assessed valuation

1578 has not yet been determined for that year; [and]

1579 (c) the most recent equalized assessed valuation of an existing or proposed project area
1580 or any parcel or parcels within an existing or proposed project area; and

1581 (d) the tax rate of each taxing entity adopted as of November 1 for the previous tax
1582 year.

1583 Section 43. Section 17C-1-607 is enacted to read:

1584 **17C-1-607. State Tax Commission and county assessor required to account for**
1585 **new growth.**

1586 The State Tax Commission and the assessor of each county in which a redevelopment,
1587 economic development, or community development project area is located shall count as new
1588 growth the assessed value of property with respect to which the taxing entity is receiving taxes
1589 or increased taxes for the first time.

1590 Section 44. Section 17C-1-701, which is renumbered from Section 17B-4-1401 is
1591 renumbered and amended to read:

1592 **Part 7. Dissolution**

1593 **~~[17B-4-1401].~~ 17C-1-701. Dissolution by ordinance -- Restrictions -- Filing**
1594 **copy of ordinance -- Agency records -- Dissolution expenses.**

1595 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
1596 an agency may, by ordinance, deactivate and dissolve the agency.

1597 (b) An ordinance dissolving an agency may not be adopted unless the agency has no
1598 outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally
1599 binding contractual obligations with persons or entities other than the community.

1600 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
1601 community legislative body shall file a certified copy of the ordinance with the lieutenant
1602 governor.

1603 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
1604 Section 67-1a-6.5, the agency is dissolved.

1605 (c) Within ten days after receiving the certificate of dissolution from the lieutenant
1606 governor under Section 67-1a-6.5, the community legislative body shall send a copy of the
1607 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
1608 Education, and each taxing entity.

1609 (d) The community legislative body shall publish a notice of dissolution in a
1610 newspaper of general circulation in the county in which the dissolved agency is located.

1611 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
1612 deposited for safekeeping and reference with the recorder of the community that dissolved the
1613 agency.

1614 (4) The agency shall pay all expenses of the deactivation and dissolution.

1615 Section 45. Section **17C-2-101**, which is renumbered from Section 17B-4-401 is
1616 renumbered and amended to read:

1617 **CHAPTER 2. REDEVELOPMENT**

1618 **Part 1. Redevelopment Project Area Plan**

1619 ~~[17B-4-401].~~ **17C-2-101. Resolution designating survey area -- Request to**
1620 **adopt resolution.**

1621 (1) An agency board may begin the process of adopting a redevelopment project area
1622 plan by adopting a resolution that:

1623 [~~(a) for a proposed redevelopment project area plan:~~]

1624 [(i) (a) designates an area located within the agency's boundaries as a survey area;

1625 [(ii) (b) contains a statement that the survey area requires study to determine whether:

1626 [(A) (i) one or more redevelopment projects within the survey area are feasible; and

1627 [(B) (ii) blight exists within the survey area; and

1628 [(iii) (c) contains a description or map of the boundaries of the survey area~~;~~ ~~or~~].

1629 [~~(b) for a proposed economic development or education housing development project~~
1630 ~~area plan, authorizes the preparation of a draft project area plan.]~~

1631 (2) (a) Any person or any group, association, corporation, or other entity may submit a
1632 written request to the board to adopt a resolution under Subsection (1).

1633 (b) A request under Subsection (2)(a) may include plans showing the redevelopment~~;~~
1634 ~~economic development, or education housing development]~~ proposed for an area within the
1635 agency's boundaries.

1636 (c) The board may, in its sole discretion, grant or deny a request under Subsection
1637 (2)(a).

1638 Section 46. Section **17C-2-102**, which is renumbered from Section 17B-4-402 is
1639 renumbered and amended to read:

1640 ~~[17B-4-402]~~. 17C-2-102. Process for adopting redevelopment project area
1641 plan -- Prerequisites -- Restrictions.

1642 (1) (a) In order to adopt a redevelopment project area plan, after adopting a resolution
1643 under Subsection ~~[17B-4-401]~~ 17C-2-101(1) the agency shall:

1644 (i) cause a blight study to be conducted within the survey area as provided in Section
1645 17C-2-301;

1646 (ii) provide notice of a blight hearing as required under Part 5, Redevelopment Notice
1647 Requirements;

1648 (iii) hold a blight hearing as provided in Section 17C-2-302; and

1649 (iv) after the blight hearing has been held, hold a board meeting, either in conjunction
1650 with the blight hearing or at a subsequent board meeting, at which the board shall:

1651 (A) consider:

1652 (I) the issue of blight and the evidence and information relating to the existence or
1653 nonexistence of blight; and

1654 (II) whether adoption of one or more redevelopment project area plans should be
1655 pursued; and

1656 (B) by resolution:

1657 (I) make a finding regarding the existence of blight in the proposed redevelopment
1658 project area;

1659 (II) select one or more project areas comprising part or all of the survey area; and

1660 (III) authorize the preparation of a draft project area plan for each project area;

1661 ~~[(a)]~~ (v) prepare a draft of a project area plan and conduct any examination,

1662 investigation, and negotiation regarding the project area plan that the agency considers
1663 appropriate;

1664 ~~[(b) request input on the draft project area plan from the planning commission of the~~
1665 ~~community in which the proposed project area is located;]~~

1666 ~~[(c)]~~ (vi) make the draft project area plan available to the public at the agency's offices
1667 during normal business hours;

1668 ~~[(d)]~~ (vii) provide notice of the plan hearing as provided in Sections ~~[17B-4-702]~~

1669 17C-2-502 and ~~[17B-4-704]~~ 17C-2-504;

1670 ~~[(e)]~~ (viii) hold a public hearing on the draft project area plan and, at that public

1671 hearing:

1672 [(†)] (A) allow public comment on:

1673 [~~(A)~~] (I) the draft project area plan; and

1674 [~~(B)~~] (II) whether the draft project area plan should be revised, approved, or rejected;

1675 and

1676 [(†)] (B) receive all written and hear all oral objections to the draft project area plan;

1677 [~~(F)~~] (ix) before holding the plan hearing, provide an opportunity for the State Board of

1678 Education and each taxing entity that levies a tax on property within the proposed project area

1679 to consult with the agency regarding the draft project area plan;

1680 [~~(g)~~] (x) if applicable, hold the election required under Subsection [~~17B-4-406~~]

1681 17C-2-105(3);

1682 [~~(h) for a redevelopment project area plan;~~]

1683 [~~(i) comply with the requirements of Part 6, Blight Determination in Redevelopment~~

1684 ~~Project Areas;~~]

1685 [~~(ii) before providing notice of the plan hearing, hold at least one public hearing to:~~]

1686 [~~(A) inform the public about each area being considered for a redevelopment project~~

1687 ~~area; and]~~

1688 [~~(B) allow public input into agency deliberations on proposing each redevelopment~~

1689 ~~project area;~~]

1690 [~~(iii) select one or more project areas comprising part or all of the survey area; and]~~

1691 [~~(iv) before sending the first notice to assessment owners of property for a public input~~

1692 ~~hearing, blight hearing, or combined public input and blight hearing, prepare and adopt~~

1693 ~~guidelines setting forth and governing the reasonable opportunities of record property owners~~

1694 ~~and tenants to participate in the redevelopment;]~~

1695 [(†)] (xi) after holding the plan hearing, at the same meeting or at a subsequent meeting

1696 consider:

1697 [(†)] (A) the oral and written objections to the draft project area plan and evidence and

1698 testimony for [~~or~~] and against adoption of the draft project area plan; and

1699 [(†)] (B) whether to revise, approve, or reject the draft project area plan;

1700 [~~(j) subject to Subsection (5);~~] (xii) approve the draft project area plan, with or without

1701 revisions, as the project area plan by a resolution that complies with Section [~~17B-4-407~~]

1702 17C-2-106; and

1703 ~~[(*)]~~ (xiii) submit the project area plan to the community legislative body for adoption.

1704 (b) If an agency makes a finding under Subsection (1)(a)(iv)(B) that blight exists in the

1705 proposed redevelopment project area, that finding has no effect until the taxing entity

1706 committee approves the finding.

1707 (2) An agency may not propose a project area plan under Subsection (1) unless the
1708 community in which the proposed project area is located:

1709 (a) has a planning commission; and

1710 (b) has adopted a general plan under:

1711 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or

1712 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

1713 (3) (a) Subject to Subsection (3)(b), an agency board may not approve a project area

1714 plan more than one year after~~[: (i) for a redevelopment project area plan,]~~ adoption of a

1715 resolution making a finding of blight under Subsection ~~[17B-4-601(1)(d)(ii), or (ii) for an~~

1716 ~~economic development or education housing development project area plan, the date of the~~

1717 ~~plan hearing:]~~ (1)(a)(iv)(B).

1718 (b) If a project area plan is submitted to an election under Subsection ~~[17B-4-406(3)]~~

1719 17C-2-105(3), the time between the plan hearing and the date of the election does not count for

1720 purposes of calculating the year period under Subsection (3)(a).

1721 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be

1722 modified to add real property to the proposed project area unless the board holds a plan hearing

1723 to consider the addition and gives notice of the plan hearing as required under Sections

1724 ~~[17B-4-702]~~ 17C-2-502 and ~~[17B-4-704]~~ 17C-2-504.

1725 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft

1726 project area plan being modified to add real property to the proposed project area if:

1727 (i) the property is contiguous to the property already included in the proposed project

1728 area under the draft project area plan;

1729 (ii) the record owner of the property consents to adding the real property to the

1730 proposed project area; and

1731 (iii) ~~[for a redevelopment project area,]~~ the property is located within the survey area.

1732 ~~[(5) From July 1, 2005 through June 30, 2006, an agency may not adopt a project area~~

1733 plan for a redevelopment project requiring a finding of blight unless:]

1734 [~~(a) before February 15, 2005, the agency has authorized a blight study; and]~~

1735 [~~(b) the blight study authorized before February 15, 2005, is completed before July 1,~~
1736 ~~2005;]~~

1737 Section 47. Section **17C-2-103**, which is renumbered from Section 17B-4-403 is
1738 renumbered and amended to read:

1739 ~~[17B-4-403].~~ **17C-2-103. Redevelopment project area plan requirements.**

1740 (1) Each redevelopment project area plan and draft project area plan shall:

1741 (a) describe the boundaries of the project area;

1742 (b) contain a general statement of the land uses, layout of principal streets, population
1743 densities, and building intensities of the project area and how they will be affected by the
1744 redevelopment~~[, economic development, or education housing development];~~

1745 (c) state the standards that will guide the redevelopment~~[, economic development, or~~
1746 ~~education housing development];~~

1747 (d) show how the purposes of this ~~[chapter]~~ title will be attained by the
1748 redevelopment~~[, economic development, or education housing development];~~

1749 (e) be consistent with the general plan of the community in which the project area is
1750 located and show that the redevelopment~~[, economic development, or education housing~~
1751 ~~development]~~ will conform to the community's general plan;

1752 (f) ~~[if the agency board made a finding of blight under Subsection 17B-4-601(1)(d)(ii);]~~
1753 describe how the redevelopment will reduce or eliminate blight in the project area;

1754 [~~(g) if the project area plan is for economic development, describe how the economic~~
1755 ~~development will create additional jobs;]~~

1756 [~~(h) if the project area plan is for education housing development, describe how the~~
1757 ~~education housing development will meet the needs of the community in which the project area~~
1758 ~~is located;]~~

1759 ~~[(i)]~~ (g) describe any specific project or projects that are the object of the proposed
1760 redevelopment~~[, economic development, or education housing development];~~

1761 ~~[(j)]~~ (h) identify how private developers, if any, will be selected to undertake the
1762 redevelopment~~[, economic development, or education housing development]~~ and identify each
1763 private developer currently involved in the redevelopment~~[, economic development, or~~

1764 education housing development] process;

1765 ~~[(k) contain a time limit of no more than three years after adoption of the project area~~

1766 ~~plan for the agency to commence implementation of the project area plan, unless the project~~

1767 ~~area plan is adopted again as if it were an amended project area plan under Section 17B-4-411;]~~

1768 ~~[(l) if the project area plan authorizes the use of eminent domain, contain a time limit~~

1769 ~~of no more than five years after the effective date of the project area plan for the agency to~~

1770 ~~commence acquisition of property through the use of eminent domain;]~~

1771 ~~[(m) if the project area plan provides for tax increment to be paid to the agency:]~~

1772 ~~[(i) contain a time limit of no more than 25 years for tax increment to be paid to the~~

1773 ~~agency from the project area unless the taxing entity committee consents to a longer period;~~

1774 ~~and]~~

1775 ~~[(ii) contain a provision that the project area may not exceed 100 acres of private real~~

1776 ~~property unless:]~~

1777 ~~[(A) the agency obtains the consent of the taxing entity committee; or]~~

1778 ~~[(B) the project area is a superfund site;]~~

1779 ~~[(n) (i) state the reasons for the selection of the project area;~~

1780 ~~[(o) (j) describe the physical, social, and economic conditions existing in the project~~

1781 ~~area;~~

1782 ~~[(p) provide a financial analysis describing the proposed method of financing the~~

1783 ~~proposed redevelopment, economic development, or education housing development;]~~

1784 ~~[(q) (k) describe any tax incentives offered private entities for facilities located in the~~

1785 ~~project area;~~

1786 ~~[(r) contain the report and state any recommendations of the community's planning~~

1787 ~~commission;]~~

1788 ~~[(s) (l) include [an] the analysis[~~, as provided~~] described in Subsection (2)[~~, of~~~~

1789 ~~whether adoption of the project area plan is:];~~

1790 ~~[(i) for a redevelopment project area plan, necessary and appropriate to reduce or~~

1791 ~~eliminate blight; or]~~

1792 ~~[(ii) for an economic development or education housing development project area plan,~~

1793 ~~beneficial under a benefit analysis;]~~

1794 ~~[(t) (m) if any of the existing buildings or uses in the project area are included in or~~

1795 eligible for inclusion in the National Register of Historic Places or the State Register, state that
 1796 the agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency;
 1797 and

1798 ~~(t)~~ (n) include other information that the agency determines to be necessary or
 1799 advisable.

1800 (2) Each analysis under Subsection (1)~~(s)(ii)~~(l) shall consider:

1801 (a) the benefit of any financial assistance or other public subsidy proposed to be
 1802 provided by the agency, including:

1803 (i) an evaluation of the reasonableness of the costs of ~~[economic development or~~
 1804 ~~education housing development]~~ the redevelopment;

1805 (ii) efforts the agency or developer has made or will make to maximize private
 1806 investment;

1807 (iii) the rationale for use of tax increment, including an analysis of whether the
 1808 proposed development might reasonably be expected to occur in the foreseeable future solely
 1809 through private investment; and

1810 (iv) an estimate of the total amount of tax increment that will be expended in
 1811 undertaking ~~[economic development or education housing development]~~ redevelopment and
 1812 the length of time for which it will be expended; and

1813 (b) the anticipated public benefit to be derived from the ~~[economic development or~~
 1814 ~~education housing development]~~ redevelopment, including:

1815 (i) the beneficial influences upon the tax base of the community;

1816 (ii) the associated business and economic activity likely to be stimulated; and

1817 ~~[(iii) in the case of economic development, the number of jobs or employment~~
 1818 ~~anticipated to be generated or preserved.]~~

1819 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or
 1820 eliminate blight.

1821 Section 48. Section **17C-2-104**, which is renumbered from Section 17B-4-405 is
 1822 renumbered and amended to read:

1823 ~~[17B-4-405].~~ **17C-2-104. Existing and historic buildings and uses.**

1824 If any of the existing buildings or uses in a project area are included in or eligible for
 1825 inclusion in the National Register of Historic Places or the State Register, the agency shall

1826 comply with Subsection 9-8-404(1) as though the agency were a state agency.

1827 Section 49. Section **17C-2-105**, which is renumbered from Section 17B-4-406 is
1828 renumbered and amended to read:

1829 ~~[17B-4-406]~~. **17C-2-105. Objections to project area plan -- Owners'**
1830 **alternative project area plan -- Election if 40% of property owners object.**

1831 (1) At any time before the plan hearing, any person may file with the agency a written
1832 statement of objections to the draft project area plan.

1833 (2) If the record owners of property of a majority of the private real property included
1834 within the proposed project area file a written petition before or at the plan hearing, proposing
1835 an alternative project area plan, the agency shall consider that proposed plan in conjunction
1836 with the project area plan proposed by the agency.

1837 (3) (a) If the record property owners of at least 40% of the private land area within the
1838 proposed project area object in writing to the draft project area plan before or at the plan
1839 hearing and do not withdraw their objections, an agency may not approve the project area plan
1840 until approved by voters within the boundaries of the agency in which the proposed project area
1841 is located at an election as provided in Subsection (3)(b).

1842 (b) (i) Except as provided in this section, each election required under Subsection
1843 (3)(a) shall comply with Title 20A, Election Code.

1844 (ii) An election under Subsection (3)(a) may be held on the same day and with the
1845 same election officials as an election held by the community in which the proposed project area
1846 is located.

1847 (iii) If a majority of those voting on the proposed project area plan vote in favor of it,
1848 the project area plan shall be considered approved and the agency shall confirm the approval by
1849 resolution.

1850 (4) If the record property owners of 2/3 of the private land area within the proposed
1851 project area object in writing to the draft project area plan before or at the plan hearing and do
1852 not withdraw their objections, the project area plan may not be adopted and the agency may not
1853 reconsider the project area plan for three years.

1854 Section 50. Section **17C-2-106**, which is renumbered from Section 17B-4-407 is
1855 renumbered and amended to read:

1856 ~~[17B-4-407]~~. **17C-2-106. Board resolution approving redevelopment**

1857 **project area plan -- Requirements.**

1858 ~~[(†)]~~ Each board resolution approving a draft redevelopment~~[-economic development;~~
 1859 ~~or education housing development]~~ project area plan as the project area plan under Subsection
 1860 ~~[17B-4-402(1)(j)]~~ 17C-2-102(1)(a)(xii) shall contain:

1861 ~~[(a)]~~ (1) a legal description of the boundaries of the project area that is the subject of
 1862 the project area plan;

1863 ~~[(b)]~~ (2) the agency's purposes and intent with respect to the project area;

1864 ~~[(c)]~~ (3) the project area plan incorporated by reference; ~~[and]~~

1865 (4) a statement that the board previously made a finding of blight within the project
 1866 area and the date of the board's finding of blight; and

1867 ~~[(d)]~~ (5) the board findings and determinations that:

1868 ~~[(i)]~~ (a) there is a need to effectuate a public purpose;

1869 ~~[(ii)]~~ (b) there is a public benefit under the analysis described in ~~[Subsections~~
 1870 ~~17B-4-403(1)(t) and]~~ Subsection 17C-2-103(2);

1871 ~~[(iii)]~~ (c) it is economically sound and feasible to adopt and carry out the project area
 1872 plan;

1873 ~~[(iv)]~~ (d) the project area plan conforms to the community's general plan; and

1874 ~~[(v)]~~ (e) carrying out the project area plan will promote the public peace, health, safety,
 1875 and welfare of the community in which the project area is located.

1876 ~~[(2) (a) As used in this Subsection (2), "comparable dwellings" means residential~~
 1877 ~~housing facilities that are:]~~

1878 ~~[(i) within the project area or in other areas not generally less desirable in regard to~~
 1879 ~~public utilities and public and commercial facilities;]~~

1880 ~~[(ii) at rents or prices within the financial means of the families and persons displaced~~
 1881 ~~from the project area; and]~~

1882 ~~[(iii) decent, safe, and sanitary and equal in number and available to displaced families~~
 1883 ~~and persons and reasonably accessible to their places of employment.]]~~

1884 ~~[(b) In addition to the requirements under Subsection (1), each board resolution~~
 1885 ~~approving a redevelopment project area plan shall:]~~

1886 ~~[(i) state that the board previously made a finding of blight within the project area and~~
 1887 ~~the date of the board's finding of blight; and]~~

1888 [~~(ii) contain the board's findings and determinations that, if the project area plan may~~
 1889 ~~result in the temporary or permanent displacement of any residential occupants in the project~~
 1890 ~~area:]~~

1891 [~~(A) the agency has a feasible method or plan for the relocation of families and persons~~
 1892 ~~displaced from the project area;]~~

1893 [~~(B) comparable dwellings exist or will be provided to the families and persons~~
 1894 ~~displaced by the project area plan; and]~~

1895 [~~(C) the board is satisfied that permanent housing facilities will be available within~~
 1896 ~~three years from the time occupants of the project area are displaced and, pending the~~
 1897 ~~development of these housing facilities, there will be available to the displaced occupants~~
 1898 ~~adequate temporary housing facilities at rents comparable to those in the community at the time~~
 1899 ~~of their displacement.]~~

1900 Section 51. Section **17C-2-107**, which is renumbered from Section 17B-4-408 is
 1901 renumbered and amended to read:

1902 ~~[17B-4-408].~~ **17C-2-107. Plan to be adopted by community legislative**
 1903 **body.**

1904 (1) A project area plan approved by board resolution under Section [~~17B-4-407~~]
 1905 17C-2-106 may not take effect until:

1906 (a) it has been adopted by ordinance of the legislative body of the community that
 1907 created the agency; and

1908 (b) notice under Section [~~17B-4-409~~] 17C-2-108 is provided.

1909 (2) Each ordinance under Subsection (1) shall:

1910 (a) be adopted by the community legislative body after the board's approval of a
 1911 resolution under Section [~~17B-4-407~~] 17C-2-106; and

1912 (b) designate the approved project area plan as the official redevelopment[~~economic~~
 1913 ~~development, or education housing development] plan of the project area.~~

1914 Section 52. Section **17C-2-108**, which is renumbered from Section 17B-4-409 is
 1915 renumbered and amended to read:

1916 ~~[17B-4-409].~~ **17C-2-108. Notice of project area plan adoption -- Effective**
 1917 **date of plan -- Contesting the formation of the plan.**

1918 (1) (a) Upon the community legislative body's adoption of a redevelopment project

1919 area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

1920 (i) publishing or causing to be published a notice in a newspaper of general circulation
1921 within the agency's boundaries; or

1922 (ii) if there is no newspaper of general circulation within the agency's boundaries,
1923 causing a notice to be posted in at least three public places within the agency's boundaries.

1924 (b) Each notice under Subsection (1)(a) shall:

1925 (i) set forth the community legislative body's ordinance adopting the project area plan
1926 or a summary of the ordinance; and

1927 (ii) include a statement that the project area plan is available for general public
1928 inspection and the hours for inspection.

1929 (2) The project area plan shall become effective on the date of:

1930 (a) if notice was published under Subsection (1)(a), publication of the notice; or

1931 (b) if notice was posted under Subsection (1)(a), posting of the notice.

1932 (3) (a) ~~[(†)]~~ For a period of ~~[60]~~ 30 days after the effective date of the project area plan
1933 under Subsection (2), any person in interest may ~~[, except as provided in Subsection (3)(a)(ii),]~~
1934 contest the project area plan or the procedure used to adopt the project area plan if the plan or
1935 procedure fails to comply with applicable statutory requirements.

1936 ~~[(ii) Notwithstanding Subsection (3)(a)(i), a challenge to a finding of blight may be
1937 made only under Section 17B-4-605.]~~

1938 (b) After the ~~[60-day]~~ 30-day period under Subsection (3)(a)~~[(†)]~~ expires, no person
1939 may contest the project area plan or procedure used to adopt the project area plan for any cause.

1940 (4) ~~[(a) Except as provided in Subsection (4)(b), upon]~~ Upon adoption of the project
1941 area plan by the community's legislative body, the agency may carry out the project area plan.

1942 ~~[(b) An agency may not commence implementation of a project area plan more than
1943 three years after the community legislative body adopts the plan, unless the plan is readopted as
1944 if it were an amended project area plan under Section 17B-4-411.]~~

1945 (5) Each agency shall make the adopted project area plan available to the general
1946 public at its offices during normal business hours.

1947 Section 53. Section **17C-2-109**, which is renumbered from Section 17B-4-410 is
1948 renumbered and amended to read:

1949 ~~[17B-4-410].~~ **17C-2-109. Agency required to transmit and record**

1950 **documents after adoption of project area plan.**

1951 Within 30 days after the community legislative body adopts, under Section [~~17B-4-408~~
1952 17C-2-107, a project area plan, the agency shall:

1953 (1) record with the recorder of the county in which the project area is located a
1954 document containing:

1955 (a) a description of the land within the project area;

1956 (b) a statement that the project area plan for the project area has been adopted; and

1957 (c) the date of adoption;

1958 (2) transmit a copy of the description of the land within the project area and an accurate
1959 map or plat indicating the boundaries of the project area to the Automated Geographic
1960 Reference Center created under Section 63F-1-506; and

1961 (3) for a project area plan that provides for the payment of tax increment to the agency,
1962 transmit a copy of the description of the land within the project area, a copy of the community
1963 legislative body ordinance adopting the project area plan, and a map or plat indicating the
1964 boundaries of the project area to:

1965 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
1966 part of the project area is located;

1967 (b) the officer or officers performing the function of auditor or assessor for each taxing
1968 entity that does not use the county assessment roll or collect its taxes through the county;

1969 (c) the legislative body or governing board of each taxing entity;

1970 (d) the State Tax Commission; and

1971 (e) the State Board of Education.

1972 Section 54. Section **17C-2-110**, which is renumbered from Section 17B-4-411 is
1973 renumbered and amended to read:

1974 ~~[17B-4-411].~~ **17C-2-110. Amending a project area plan.**

1975 (1) An adopted project area plan may be amended as provided in this section.

1976 ~~[(2) Except as provided in Subsection (4)(a), a project area plan may not be amended
1977 after March 21, 2005, to enlarge or add to a project area.]~~

1978 (2) If an agency proposes to amend an adopted redevelopment project area plan to
1979 enlarge the project area:

1980 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting

1981 a project area plan apply equally to the proposed amendment as if it were a proposed project
1982 area plan;

1983 (b) for a pre-July 1, 1993 project area plan, the base year taxable value for the new area
1984 added to the project area shall be determined under Subsection 17C-1-102(6)(a) using the
1985 effective date of the amended project area plan;

1986 (c) for a post-June 30, 1993 project area plan:

1987 (i) the base year taxable value for the new area added to the project area shall be
1988 determined under Subsection 17C-1-102(6)(b) using the date of the taxing entity committee's
1989 consent referred to in Subsection (2)(c)(ii); and

1990 (ii) the agency shall obtain the consent of the taxing entity committee before the agency
1991 may collect tax increment from the area added to the project area by the amendment;

1992 (d) the agency shall make a finding regarding the existence of blight in the area
1993 proposed to be added to the project area by following the procedure set forth in Subsections
1994 17C-2-102(1)(a)(i) through (iv); and

1995 (e) the agency need not make a finding regarding the existence of blight in the project
1996 area as described in the original project area plan, if the agency made a finding of the existence
1997 of blight regarding that project area in connection with adoption of the original project area
1998 plan.

1999 (3) ~~[An]~~ If a proposed amendment does not propose to enlarge a project area, an
2000 agency board may adopt a resolution approving an amendment to an adopted project area plan
2001 after:

2002 (a) the agency gives notice, as provided in Section ~~[17B-4-702]~~ 17C-2-502, of the
2003 proposed amendment and of the public hearing required by Subsection (3)(b);

2004 (b) the agency board holds a public hearing on the proposed amendment that meets the
2005 requirements of a plan hearing;

2006 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
2007 amendment proposes:

2008 (i) to enlarge the area within the project area from which tax increment is collected;

2009 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
2010 tax increment for a longer period of time, or both, than allowed under the adopted project area
2011 plan; ~~and~~ or

2012 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to
2013 expand the area from which tax increment is collected to exceed 100 acres of private property;
2014 and

2015 (d) the agency obtains the consent of the legislative body or governing board of each
2016 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
2017 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a
2018 longer period of time, or both, than allowed under the adopted project area plan.

2019 (4) (a) An adopted project area plan may be amended without complying with the
2020 notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without
2021 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

2022 (i) makes a minor adjustment in the legal description of a project area boundary
2023 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
2024 or

2025 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
2026 because the agency determines that:

2027 (A) the parcel is no longer blighted; or

2028 (B) inclusion of the parcel is no longer necessary or desirable to the project area~~;~~ and.

2029 (b) An amendment removing a parcel of real property from a project area under
2030 Subsection (4)(a)(ii) may not be made without the consent of the record property owner of the
2031 parcel being removed.

2032 (5) (a) An amendment approved by board resolution under this section may not take
2033 effect until adopted by ordinance of the legislative body of the community in which the project
2034 area that is the subject of the project area plan being amended is located.

2035 (b) Upon a community legislative body passing an ordinance adopting an amendment
2036 to a project area plan, the agency whose project area plan was amended shall comply with the
2037 requirements of Section [~~17B-4-410~~] 17C-2-109 to the same extent as if the amendment were a
2038 project area plan.

2039 Section 55. Section **17C-2-201**, which is renumbered from Section 17B-4-501 is
2040 renumbered and amended to read:

2041 **Part 2. Redevelopment Project Area Budget**

2042 [~~17B-4-501~~]. **17C-2-201. Project area budget -- Requirements for**

2043 **adopting -- Contesting the budget or procedure -- Time limit.**

2044 (1) If an agency anticipates funding all or a portion of a post-June 30, 1993
 2045 redevelopment project area plan with tax increment, the agency shall, subject to Section
 2046 [~~17B-4-503~~] 17C-2-202, adopt a project area budget as provided in this part.

2047 (2) To adopt a project area budget, the agency shall:

2048 (a) prepare a draft of a project area budget;

2049 (b) make a copy of the draft project area budget available to the public at the agency's
 2050 offices during normal business hours;

2051 (c) provide notice of the budget hearing as required by Part [7] 5, Redevelopment
 2052 Notice Requirements;

2053 [~~(d) at least seven days before the budget hearing;~~]

2054 [~~(i) publish a display advertisement that complies with Section 17B-4-502 in a~~
 2055 newspaper that is:]

2056 [~~(A) of general circulation within the county in which the proposed project area is~~
 2057 located; and]

2058 [~~(B) to the extent practicable, of general interest and readership and not of limited~~
 2059 subject matter; or]

2060 [~~(ii) if there is no newspaper of general circulation within the county in which the~~
 2061 proposed project area is located, post a notice that complies with Section 17B-4-502 in at least
 2062 three conspicuous places within the agency's boundaries;]

2063 [~~(e)~~] (d) hold a public hearing on the draft project area budget and, at that public
 2064 hearing, allow public comment on:

2065 (i) the draft project area budget; and

2066 (ii) whether the draft project area budget should be revised, adopted, or rejected;

2067 [~~(f)~~] (e) (i) if required under Subsection [~~17B-4-505~~] 17C-2-204(1), obtain the
 2068 approval of the taxing entity committee on the draft project area budget or a revised version of
 2069 the draft project area budget; or

2070 (ii) if applicable, comply with the requirements of Subsection [~~17B-4-505~~]
 2071 17C-2-204(2); and

2072 [~~(g)~~] (f) after the budget hearing, hold a board meeting in the same meeting as the
 2073 public hearing or in a subsequent meeting to:

2074 (i) consider comments made and information presented at the public hearing relating to
2075 the draft project area budget; and

2076 (ii) adopt by resolution the draft project area budget, with any revisions, as the project
2077 area budget.

2078 (3) (a) For a period of [~~60~~] 30 days after the agency's adoption of the project area
2079 budget under Subsection (2)[~~(g)~~](f), any person in interest may contest the project area budget
2080 or the procedure used to adopt the project area budget if the budget or procedure fails to
2081 comply with applicable statutory requirements.

2082 (b) After the [~~60-day~~] 30-day period under Subsection (3)(a) expires, no person may
2083 contest the project area budget or procedure used to adopt the project area budget for any cause.

2084 Section 56. Section **17C-2-202**, which is renumbered from Section 17B-4-503 is
2085 renumbered and amended to read:

2086 ~~[17B-4-503].~~ **17C-2-202. Combined incremental value -- Restriction**
2087 **against adopting project area budget -- Taxing entity committee may waive restriction.**

2088 [~~(1) For purposes of this section:~~]

2089 [~~(a) "Adjusted tax increment" means:~~]

2090 [~~(i) for tax increment under a pre-July 1, 1993 project area plan, tax increment under~~
2091 ~~Section 17B-4-1003, excluding tax increment under Subsection 17B-4-1003(3); and]~~

2092 [~~(ii) for tax increment under a post-June 30, 1993 project area plan, tax increment~~
2093 ~~under Section 17B-4-1004, excluding tax increment under Subsection 17B-4-1004(3).]~~

2094 [~~(b) "Combined incremental value" means the combined total of all incremental values~~
2095 ~~from all project areas, except a military installation project area, within the agency's boundaries~~
2096 ~~under adopted project area plans and adopted project area budgets at the time that a project area~~
2097 ~~budget for a new project area is being considered.]~~

2098 [~~(c) "Incremental value" means a figure derived by multiplying the marginal value of~~
2099 ~~the property located within a project area on which tax increment is collected by a number that~~
2100 ~~represents the percentage of adjusted tax increment from that project area that is paid to the~~
2101 ~~agency.]~~

2102 [~~(d) "Marginal value" means the difference between actual taxable value and base~~
2103 ~~taxable value.]~~

2104 [~~(e) "Military installation project area" means a project area or a portion of a project~~

2105 ~~area located within a federal military installation ordered closed by the federal Defense Base~~
 2106 ~~Realignment and Closure Commission.]~~

2107 ~~[(f) "Taxable value" means the value of property as shown on the last equalized~~
 2108 ~~assessment roll as certified by the county assessor.]~~

2109 ~~[(2)(a)] (1)~~ Except as provided in Subsection (2)~~[(b)]~~, an agency may not adopt a
 2110 redevelopment project area budget if, at the time the redevelopment project area budget is
 2111 being considered, the combined incremental value for the agency exceeds 10% of the total
 2112 taxable value of property within the agency's boundaries in the year that the redevelopment
 2113 project area budget is being considered.

2114 ~~[(b)] (2)~~ A taxing entity committee may waive the restrictions imposed by Subsection
 2115 ~~[(2)(a)] (1)~~.

2116 Section 57. Section **17C-2-203**, which is renumbered from Section 17B-4-504 is
 2117 renumbered and amended to read:

2118 ~~[17B-4-504]~~. **17C-2-203. Part of tax increment funds to be used for**
 2119 **housing -- Waiver of requirement.**

2120 (1) (a) Except as provided in Subsection (1)(b), each redevelopment project area
 2121 budget adopted on or after May 1, 2000 that provides for more than \$100,000 of annual tax
 2122 increment to be paid to the agency shall allocate at least 20% of the tax increment for housing
 2123 as provided in Section ~~[17B-4-1010]~~ 17C-1-412.

2124 (b) The 20% requirement of Subsection (1)(a) may be waived~~[(i)]~~ in part or whole by
 2125 the mutual consent of the loan fund board and the taxing entity committee if they determine
 2126 that 20% of tax increment is more than is needed to address the community's need for income
 2127 targeted housing~~[, as defined in Section 17B-4-1010; or]~~.

2128 ~~[(ii) in fifth and sixth class counties, by the taxing entity committee for economic~~
 2129 ~~development project area budgets adopted on or after May 1, 2002, if the economic~~
 2130 ~~development project area consists of an area without housing units.]~~

2131 (2) A project area budget not required under Subsection (1)(a) to allocate tax increment
 2132 for housing may allocate 20% of tax increment payable to the agency over the life of the
 2133 project area for housing as provided in Section ~~[17B-4-1010]~~ 17C-1-412 if the project area
 2134 budget is under a project area plan that is adopted on or after July 1, 1998.

2135 Section 58. Section **17C-2-204**, which is renumbered from Section 17B-4-505 is

2136 renumbered and amended to read:

2137 ~~[17B-4-505].~~ **17C-2-204. Consent of taxing entity committee.**

2138 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
2139 agency shall obtain the consent of the taxing entity committee for each redevelopment project
2140 area budget under a post-June 30, 1993 project area plan before the agency may collect any tax
2141 increment from the redevelopment project area.

2142 (b) For a project area budget adopted from July 1, 1998 through May 1, 2000 that
2143 allocates 20% or more of the tax increment for housing as provided in Section ~~[17B-4-1010]~~
2144 17C-1-412, an agency:

2145 (i) need not obtain the consent of the taxing entity committee for the project area
2146 budget; and

2147 (ii) may not collect any tax increment from all or part of the project area until after:

2148 (A) the loan fund board has certified the project area budget as complying with the
2149 requirements of Section ~~[17B-4-1010]~~ 17C-1-412; and

2150 (B) the agency board has approved and adopted the project area budget by a two-thirds
2151 vote.

2152 (2) (a) Before a taxing entity committee may consent to a project area budget adopted
2153 on or after May 1, 2000 that is required under Subsection ~~[17B-4-504]~~ 17C-2-203(1)(a) to
2154 allocate 20% of tax increment for housing, the agency shall:

2155 (i) adopt a housing plan showing the uses for the housing funds; and

2156 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
2157 board.

2158 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
2159 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

2160 Section 59. Section **17C-2-205**, which is renumbered from Section 17B-4-506 is
2161 renumbered and amended to read:

2162 ~~[17B-4-506].~~ **17C-2-205. Filing a copy of the project area budget.**

2163 Each agency adopting a project area budget shall:

2164 (1) within 30 days after adopting the project area budget, file a copy of the project area
2165 budget with the auditor of the county in which the project area is located, the State Tax
2166 Commission, the state auditor, the State Board of Education, and each taxing entity affected by

2167 the agency's collection of tax increment under the project area budget; and

2168 (2) if the project area budget allocates tax increment for housing under Section
2169 ~~[17B-4-1010]~~ 17C-1-412, file a copy of the project area budget with the loan fund board.

2170 Section 60. Section **17C-2-206**, which is renumbered from Section 17B-4-507 is
2171 renumbered and amended to read:

2172 ~~[17B-4-507].~~ **17C-2-206. Amending a project area budget.**

2173 (1) ~~[Subject to Subsection (5), an]~~ An agency may by resolution amend a project area
2174 budget as provided in this section.

2175 (2) To amend an adopted project area budget, the agency shall:

2176 (a) advertise and hold one public hearing on the proposed amendment as provided in
2177 Subsection (3);

2178 (b) obtain the approval of the taxing entity committee if the agency was required under
2179 Section ~~[17B-4-505]~~ 17C-2-204 to obtain the consent of the taxing entity committee for the
2180 project area budget as originally adopted; and

2181 (c) adopt a resolution amending the project area budget.

2182 (3) The public hearing required under Subsection (2)(a) shall be conducted according
2183 to the procedures and requirements of ~~[Sections 17B-4-501 and 17B-4-502]~~ Subsections
2184 17C-2-201(2)(c) and (d), except that if the amended project area budget proposes that the
2185 agency be paid a greater proportion of tax increment from a project area than was to be paid
2186 under the previous project area budget, the ~~[advertisement]~~ notice shall state the percentage
2187 paid under the previous project area budget and the percentage proposed under the amended
2188 project area budget.

2189 (4) If a proposed amendment is not adopted, the agency shall continue to operate under
2190 the previously adopted project area budget without the proposed amendment.

2191 ~~[(5) A project area budget may not be amended after March 21, 2005, if the~~
2192 ~~amendment provides for the agency to receive tax increment for a longer period of time than~~
2193 ~~allowed under the project area budget without the amendment.]~~

2194 Section 61. Section **17C-2-301**, which is renumbered from Section 17B-4-602 is
2195 renumbered and amended to read:

2196 **Part 3. Blight Determination in Redevelopment Project Areas**

2197 ~~[17B-4-602].~~ **17C-2-301. Blight study -- Requirements -- Deadline.**

2198 (1) Each blight study required under Subsection [~~17B-4-601~~] 17C-2-102(1)(a)(i) shall:

2199 (a) undertake a parcel by parcel survey of the survey area;

2200 [~~(a)~~] (b) provide data so the board and taxing entity committee may determine:

2201 (i) whether the conditions described in [~~Subsections 17B-4-604(1)(a)(i) and (ii)~~]

2202 Subsection 17C-2-303(1):

2203 (A) exist in part or all of the survey area; and

2204 [~~(ii) whether the factors listed in Subsection 17B-4-604(1)(a)(iii) are present in the~~
2205 ~~survey area; and]~~

2206 (B) qualify an area within the survey area as a project area; and

2207 [~~(iii)~~] (i) whether the survey area contains all or part of a superfund site;

2208 [~~(b)~~] (c) include a written report setting forth:

2209 (i) the conclusions reached; [~~and~~]

2210 (ii) any recommended area within the survey area qualifying as a project area; and

2211 [~~(ii)~~] (iii) any other information requested by the agency to determine whether a
2212 redevelopment project area is feasible; and

2213 [~~(e)~~] (d) be completed within one year after the adoption of the survey area resolution.

2214 (2) (a) If a blight study is not completed within one year after the adoption of the

2215 resolution under Subsection [~~17B-4-401(1)(a)~~] 17C-2-101(1) designating a survey area, the

2216 agency may not approve a redevelopment project area plan based on that blight study unless it

2217 first adopts a new resolution under Subsection [~~17B-4-401(1)(a)~~] 17C-2-101(1).

2218 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a

2219 resolution under Subsection [~~17B-4-401(1)(a)~~] 17C-2-101(1) adopted for the first time, except

2220 that any actions taken toward completing a blight study under the resolution that the new

2221 resolution replaces shall be considered to have been taken under the new resolution.

2222 Section 62. Section **17C-2-302**, which is renumbered from Section 17B-4-603 is

2223 renumbered and amended to read:

2224 [~~17B-4-603~~]. **17C-2-302. Blight hearing -- Owners may review evidence of**
2225 **blight.**

2226 (1) In each hearing required under Subsection [~~17B-4-601(1)(e)~~] 17C-2-102(1)(a)(iii),

2227 the agency shall:

2228 (a) permit all evidence of the existence or nonexistence of blight within the proposed

2229 redevelopment project area to be presented; and

2230 (b) permit each record owner of property located within the proposed redevelopment
2231 project area or the record property owner's representative the opportunity to:

2232 (i) examine and cross-examine witnesses providing evidence of the existence or
2233 nonexistence of blight; and

2234 (ii) present evidence and testimony, including expert testimony, concerning the
2235 existence or nonexistence of blight.

2236 (2) The agency shall allow record owners of property located within a proposed
2237 redevelopment project area the opportunity, for at least 30 days before the hearing, to review
2238 the evidence of blight compiled by the agency or by the person or firm conducting the blight
2239 study for the agency, including any expert report.

2240 Section 63. Section **17C-2-303**, which is renumbered from Section 17B-4-604 is
2241 renumbered and amended to read:

2242 ~~[17B-4-604].~~ **17C-2-303. Conditions on board determination of blight --**
2243 **Conditions of blight caused by the developer.**

2244 (1) An agency board may not make a finding of blight in a resolution under [Section
2245 ~~17B-4-604~~] Subsection 17C-2-102(1) unless the board finds that [the redevelopment project
2246 area]:

2247 [~~(a) (i) contains buildings or improvements used or intended to be used for residential,~~
2248 ~~commercial, industrial, or other urban purposes, or any combination of those uses;~~]

2249 [~~(ii) contains buildings or improvements on at least 50% of the number of parcels of~~
2250 ~~private real property whose acreage is at least 50% of the acreage of the private real property~~
2251 ~~within the proposed redevelopment project area; and]~~

2252 [~~(iii) is unfit or unsafe to occupy or may be conducive to ill health, transmission of~~
2253 ~~disease, infant mortality, juvenile delinquency, or crime because of any three or more of the~~
2254 ~~following factors:]~~

2255 [~~(A) defective character of physical construction;~~]

2256 [~~(B) high density of population or overcrowding;~~]

2257 [~~(C) inadequate ventilation, light, or spacing between buildings;~~]

2258 [~~(D) mixed character and shifting of uses, resulting in obsolescence, deterioration, or~~
2259 ~~dilapidation;]~~

2260 ~~[(E) economic deterioration or continued disuse;]~~
2261 ~~[(F) lots of irregular shape or inadequate size for proper usefulness and development,~~
2262 ~~or laying out of lots in disregard of the contours and other physical characteristics of the ground~~
2263 ~~and surrounding conditions;]~~
2264 ~~[(G) inadequate sanitation or public facilities which may include streets, open spaces,~~
2265 ~~and utilities;]~~
2266 ~~[(H) areas that are subject to being submerged by water; and]~~
2267 ~~[(I) existence of any hazardous or solid waste, defined as any substance defined,~~
2268 ~~regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste,~~
2269 ~~pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the~~
2270 ~~environment under state or federal law or regulation; or]~~
2271 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;
2272 (ii) the proposed project area is currently zoned for urban purposes and generally
2273 served by utilities;
2274 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural
2275 or nonaccessory buildings or improvements used or intended for residential, commercial,
2276 industrial, or other urban purposes, or any combination of those uses;
2277 (iv) the present condition or use of the proposed project area substantially impairs the
2278 sound growth of the municipality, retards the provision of housing accommodations, or
2279 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as
2280 shown by the existence within the proposed project area of at least four of the following
2281 factors:
2282 (A) one of the following, although sometimes interspersed with well maintained
2283 buildings and infrastructure:
2284 (I) substantial physical dilapidation, deterioration, or defective construction of
2285 buildings or infrastructure; or
2286 (II) significant noncompliance with current building code, safety code, health code, or
2287 fire code requirements or local ordinances;
2288 (B) unsanitary or unsafe conditions in the proposed project area that threaten the
2289 health, safety, or welfare of the community;
2290 (C) environmental hazards, as defined in state or federal law, that require remediation

2291 as a condition for current or future use and development;

2292 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
 2293 urban use and served by utilities;

2294 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
 2295 welfare;

2296 (F) criminal activity in the project area, higher than that of comparable nonblighted
 2297 areas in the municipality or county; and

2298 (G) defective or unusual conditions of title rendering the title nonmarketable; and

2299 (v) (A) at least 50% of the parcels within the proposed project area are affected by at
 2300 least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and

2301 (B) the affected parcels comprise at least 66% of the acreage of the proposed project
 2302 area; or

2303 (b) ~~[is]~~ the proposed project area includes some or all of a superfund site.

2304 (2) No single parcel comprising 10% or more of the acreage of the proposed project
 2305 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
 2306 that parcel is occupied by buildings or improvements.

2307 ~~[(2)]~~ (3) (a) For purposes of Subsection (1), if a developer involved in the
 2308 redevelopment project ~~[causes]~~ has caused a condition listed in Subsection (1)(a)~~[(iii)]~~(iv)
 2309 within the proposed project area, ~~[the]~~ that condition ~~[caused by the developer]~~ may not be
 2310 used in the determination of blight.

2311 (b) Subsection ~~[(2)]~~ (3)(a) does not apply to a condition that was caused by an owner or
 2312 tenant who becomes a developer ~~[under Section 17B-4-901].~~

2313 Section 64. Section **17C-2-304**, which is renumbered from Section 17B-4-605 is
 2314 renumbered and amended to read:

2315 ~~[17B-4-605].~~ **17C-2-304. Challenging a finding of blight -- Time limit -- De**
 2316 **novo review.**

2317 (1) If the board makes a finding of blight under ~~[Section 17B-4-601]~~ Subsection
 2318 17C-2-102(1) and that finding is approved by resolution adopted by the taxing entity
 2319 committee, a record owner of property located within the proposed redevelopment project area
 2320 may challenge the finding by filing an action with the district court for the county in which the
 2321 property is located.

2322 (2) Each challenge under Subsection (1) shall be filed within 30 days after the taxing
2323 entity committee approves the board's finding of blight.

2324 (3) In each action under this section~~[-(a)]~~, the district court shall review [~~de novo~~] the
2325 finding of blight~~[-and]~~ under the standards of review provided in Subsection 10-9a-801(3).
2326 [~~(b) the agency maintains the burden of proof regarding the existence of blight.~~]

2327 Section 65. Section **17C-2-401**, which is renumbered from Section 17B-4-801 is
2328 renumbered and amended to read:

Part 4. Redevelopment Hearings

~~[17B-4-801].~~ **17C-2-401. Combining hearings.**

2331 A board may combine~~[-(1)]~~ any combination of a blight hearing [~~with a public input~~
2332 ~~hearing; and (2)]~~, a plan hearing [~~with~~], and a budget hearing.

2333 Section 66. Section **17C-2-402**, which is renumbered from Section 17B-4-802 is
2334 renumbered and amended to read:

~~[17B-4-802].~~ **17C-2-402. Continuing a hearing.**

2336 [~~Pursuant to the provisions of Section 17B-4-705]~~ Subject to Section 17C-2-403, the
2337 board may continue from time to time a:

- 2338 (1) blight hearing;
- 2339 [~~(2) public input hearing;~~]
- 2340 [~~(3) combined blight hearing and plan hearing under Subsection 17B-4-801(1);~~]
- 2341 [~~(4)] (2) plan hearing;~~
- 2342 [~~(5)] (3) budget hearing; or~~
- 2343 [~~(6)] (4) combined [plan] hearing [and budget hearing] under [Subsection~~
2344 ~~17B-4-801(2)] Section 17C-2-401.~~

2345 Section 67. Section **17C-2-403**, which is renumbered from Section 17B-4-705 is
2346 renumbered and amended to read:

~~[17B-4-705].~~ **17C-2-403. Notice required for continued hearing.**

2348 The board shall give notice of a hearing continued under Section [~~17B-4-802]~~
2349 17C-2-402 by announcing at the hearing:

- 2350 (1) the date, time, and place the hearing will be resumed; or
- 2351 (2) that it is being continued to a later time and causing a notice of the continued
2352 hearing to be:

2353 (a) published once in a newspaper of general circulation within the agency boundaries
2354 at least seven days before the hearing is scheduled to resume; or

2355 (b) if there is no newspaper of general circulation, posted in at least three conspicuous
2356 places within the boundaries of the agency in which the project area or proposed project area is
2357 located.

2358 Section 68. Section **17C-2-501**, which is renumbered from Section 17B-4-701 is
2359 renumbered and amended to read:

2360 **Part 5. Redevelopment Notice Requirements**

2361 ~~[17B-4-701].~~ **17C-2-501. Agency to provide notice of hearings.**

2362 (1) Each agency shall provide notice, as provided in this part, of each:

2363 (a) blight hearing;

2364 ~~[(b) public input hearing;]~~

2365 ~~[(c) (b) plan hearing; and~~

2366 ~~[(d) (c) budget hearing.~~

2367 (2) ~~[(a)]~~ The notice required under Subsection (1) for ~~[a blight hearing]~~ any of the
2368 hearings listed in that subsection may be combined with the notice required for ~~[a public input~~
2369 ~~hearing if those two]~~ any of the other hearings if the hearings are combined under ~~[Subsection~~
2370 ~~17B-4-801(1)]~~ Section 17C-2-401.

2371 ~~[(b) The notice required under Subsection (1) for a plan hearing may be combined with~~
2372 ~~the notice required for a budget hearing if those two hearings are combined under Subsection~~
2373 ~~17B-4-801(2).]~~

2374 Section 69. Section **17C-2-502**, which is renumbered from Section 17B-4-702 is
2375 renumbered and amended to read:

2376 ~~[17B-4-702].~~ **17C-2-502. Requirements for notice provided by agency.**

2377 (1) The notice required by Section ~~[17B-4-701]~~ 17C-2-501 shall be given by:

2378 (a) (i) publishing one notice, excluding the map referred to in Subsection ~~[(2)]~~ (3)(b),
2379 in a newspaper of general circulation within the county in which the project area or proposed
2380 project area is located, at least ~~[once a week for the four successive weeks immediately~~
2381 ~~preceding]~~ 14 days before the hearing; or

2382 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
2383 before the hearing in at least three conspicuous places within the county in which the project

2384 area or proposed project area is located; and
2385 (b) at least 30 days before the hearing:
2386 (i) ~~[sending]~~ mailing notice [by certified mail] to ~~[:-(A)]~~ each ~~[assessment]~~ record
2387 owner of property located within the project area or proposed project area; and
2388 ~~[(B) each assessment owner of property located outside but within 300 feet of the~~
2389 ~~project area or proposed project area;]~~
2390 (ii) mailing notice to:
2391 (A) the State Tax Commission;
2392 (B) the assessor and auditor of the county in which the project area or proposed project
2393 area is located; and
2394 (C) (I) each member of the taxing entity committee; or
2395 (II) if a taxing entity committee has not yet been formed, the State Board of Education
2396 and the legislative body or governing board of each taxing entity.
2397 (2) The mailing of the notice to record property owners required under Subsection
2398 (1)(b)(i) shall be conclusively considered to have been properly completed if:
2399 (a) the agency mails the notice to the property owners as shown in the records,
2400 including an electronic database, of the county recorder's office and at the addresses shown in
2401 those records; and
2402 (b) the county recorder's office records used by the agency in identifying owners to
2403 whom the notice is mailed and their addresses were obtained or accessed from the county
2404 recorder's office no earlier than 30 days before the mailing.
2405 ~~[(2)]~~ (3) The agency shall include in each notice required under Section [17B-4-701]
2406 17C-2-501:
2407 (a) (i) a specific description of the boundaries of the project area or proposed project
2408 area; or
2409 (ii) (A) a mailing address or telephone number where a person may request that a copy
2410 of the description be sent at no cost to the person by mail or facsimile transmission; and
2411 (B) if the agency has an Internet website, an Internet address where a person may gain
2412 access to an electronic, printable copy of the description;
2413 (b) a map of the boundaries of the project area or proposed project area;
2414 (c) an explanation of the purpose of the hearing; and

2415 (d) a statement of the date, time, and location of the hearing.

2416 [~~(3)~~] (4) The agency shall include in each notice under Subsection (1)(b)(ii):

2417 (a) a statement that property tax revenues resulting from an increase in valuation of
2418 property within the project area or proposed project area will be paid to the agency for
2419 redevelopment[~~-, economic development, or education housing development~~] purposes rather
2420 than to the taxing entity to which the tax revenues would otherwise have been paid if:

2421 (i) a majority of the taxing entity committee consents to the project area budget; and

2422 (ii) the project area plan provides for the agency to receive tax increment; and

2423 (b) an invitation to the recipient of the notice to submit to the agency comments
2424 concerning the subject matter of the hearing before the date of the hearing.

2425 [~~(4)~~] (5) An agency may include in a notice under Subsection (1) any other information
2426 the agency considers necessary or advisable, including the public purpose served by the project
2427 and any future tax benefits expected to result from the project.

2428 Section 70. Section **17C-2-503**, which is renumbered from Section 17B-4-703 is
2429 renumbered and amended to read:

2430 [~~17B-4-703~~]. **17C-2-503**. **Additional requirements for notice of a blight**
2431 **hearing.**

2432 [~~(1) The first notice to an assessment owner of property within a proposed~~
2433 ~~redevelopment project area for a public input hearing, blight hearing, or combined public input~~
2434 ~~and blight hearing under Subsection 17B-4-801(1) shall include the statement required by~~
2435 ~~Section 17B-4-902.~~]

2436 [(2)] Each notice under Section [~~17B-4-702~~] 17C-2-502 for a blight hearing shall
2437 include a statement that:

2438 [(a)] (1) a redevelopment project area is being proposed;

2439 [(b)] (2) the proposed redevelopment project area may be declared to have blight;

2440 [(c)] (3) the record owner of property within the proposed project area has the right to
2441 present evidence at the blight hearing contesting the existence of blight;

2442 [(d)] (4) except for a hearing continued under Section 17C-2-402, the agency will
2443 notify the [~~assessment~~] record property owners referred to in Subsection [~~17B-4-702~~]
2444 17C-2-502(1)(b)(i) of each additional public hearing held by the agency concerning the
2445 redevelopment project prior to the adoption of the redevelopment project area plan; and

2446 ~~[(e)]~~ (5) persons contesting the existence of blight in the proposed redevelopment
2447 project area may appear before the agency board and show cause why the proposed
2448 redevelopment project area should not be designated as a redevelopment project area.

2449 Section 71. Section **17C-2-504**, which is renumbered from Section 17B-4-704 is
2450 renumbered and amended to read:

2451 ~~[17B-4-704].~~ **17C-2-504. Additional requirements for notice of a plan**
2452 **hearing.**

2453 Each notice under Section ~~[17B-4-702]~~ 17C-2-502 of a plan hearing shall include:

2454 (1) a statement that any person objecting to the draft project area plan or contesting the
2455 regularity of any of the proceedings to adopt it may appear before the agency board at the
2456 hearing to show cause why the draft project area plan should not be adopted; and

2457 (2) a statement that the proposed project area plan is available for inspection at the
2458 agency offices.

2459 Section 72. Section **17C-2-505**, which is renumbered from Section 17B-4-502 is
2460 renumbered and amended to read:

2461 ~~[17B-4-502].~~ **17C-2-505. Additional requirements for notice of a budget**
2462 **hearing.**

2463 ~~[(1) Each display advertisement published under Subsection 17B-4-501(2)(d) shall~~
2464 ~~appear in a portion of the newspaper other than where legal notices and classified~~
2465 ~~advertisements appear.]~~

2466 ~~[(2) Each [display advertisement published and] notice [posted] under [Subsection~~
2467 ~~17B-4-501(2)(d)]~~ Section 17C-2-502 of a budget hearing shall contain:

2468 ~~[(a)]~~ (1) the following statement:

2469 ~~["NOTICE OF BUDGET HEARING FOR (NAME OF PROJECT AREA)"]~~

2470 "The (name of agency) has requested \$_____ in property tax revenues that will be
2471 generated by development within the (name of project area) to fund a portion of project costs
2472 within the (name of project area). These property tax revenues will be used for the following:
2473 (list major budget categories and amounts). These property taxes will be taxes levied by the
2474 following governmental entities, and, assuming current tax rates, the taxes paid to the agency
2475 for this project area from each taxing entity will be as follows: (list each taxing entity levying
2476 taxes and the amount of total taxes that would be paid from each taxing entity). All of the

2477 property taxes to be paid to the agency for the development in the project area are taxes that
2478 will be generated only if the project area is developed.

2479 All concerned citizens are invited to attend the project area budget hearing scheduled
2480 for (date, time, and place of hearing). A copy of the (name of project area) project area budget
2481 is available at the offices of (name of agency and office address)."; and

2482 [~~(b)~~] (2) other information that the agency considers appropriate.

2483 Section 73. Section **17C-3-101** is enacted to read:

2484 **CHAPTER 3. ECONOMIC DEVELOPMENT**

2485 **Part 1. Economic Development Project Area Plan**

2486 **17C-3-101. Resolution authorizing the preparation of a draft project area plan --**

2487 **Request to adopt resolution.**

2488 (1) An agency board may begin the process of adopting an economic development
2489 project area plan by adopting a resolution that authorizes the preparation of a draft project area
2490 plan.

2491 (2) (a) Any person or any group, association, corporation, or other entity may submit a
2492 written request to the board to adopt a resolution under Subsection (1).

2493 (b) A request under Subsection (2)(a) may include plans showing the economic
2494 development proposed for an area within the agency's boundaries.

2495 (c) The board may, in its sole discretion, grant or deny a request under Subsection
2496 (2)(a).

2497 Section 74. Section **17C-3-102** is enacted to read:

2498 **17C-3-102. Process for adopting an economic development project area plan --**

2499 **Prerequisites -- Restrictions.**

2500 (1) In order to adopt an economic development project area plan, after adopting a
2501 resolution under Subsection 17C-3-101(1) the agency shall:

2502 (a) prepare a draft of an economic development project area plan and conduct any
2503 examination, investigation, and negotiation regarding the project area plan that the agency
2504 considers appropriate;

2505 (b) make the draft project area plan available to the public at the agency's offices
2506 during normal business hours;

2507 (c) provide notice of the plan hearing as provided in Part 4, Economic Development

2508 Notice Requirements:2509 (d) hold a public hearing on the draft project area plan and, at that public hearing:2510 (i) allow public comment on:2511 (A) the draft project area plan; and2512 (B) whether the draft project area plan should be revised, approved, or rejected; and2513 (ii) receive all written and hear all oral objections to the draft project area plan;2514 (e) before holding the plan hearing, provide an opportunity for the State Board of2515 Education and each taxing entity that levies a tax on property within the proposed project area2516 to consult with the agency regarding the draft project area plan;2517 (f) after holding the plan hearing, at the same meeting or at a subsequent meeting2518 consider:2519 (i) the oral and written objections to the draft project area plan and evidence and2520 testimony for or against adoption of the draft project area plan; and2521 (ii) whether to revise, approve, or reject the draft project area plan;2522 (g) approve the draft project area plan, with or without revisions, as the project area2523 plan by a resolution that complies with Section 17C-3-105; and2524 (h) submit the project area plan to the community legislative body for adoption.2525 (2) An agency may not propose a project area plan under Subsection (1) unless the2526 community in which the proposed project area is located:2527 (a) has a planning commission; and2528 (b) has adopted a general plan under:2529 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or2530 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.2531 (3) An agency board may not approve a project area plan more than one year after the2532 date of the plan hearing.2533 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be2534 modified to add real property to the proposed project area unless the board holds a plan hearing2535 to consider the addition and gives notice of the plan hearing as required under Part 4,2536 Economic Development Notice Requirements.2537 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft2538 project area plan being modified to add real property to the proposed project area if:

2539 (i) the property is contiguous to the property already included in the proposed project
2540 area under the draft project area plan; and

2541 (ii) the record owner of the property consents to adding the real property to the
2542 proposed project area.

2543 Section 75. Section **17C-3-103** is enacted to read:

2544 **17C-3-103. Project area plan requirements.**

2545 (1) Each economic development project area plan and draft project area plan shall:

2546 (a) describe the boundaries of the project area;

2547 (b) contain a general statement of the land uses, layout of principal streets, population
2548 densities, and building intensities of the project area and how they will be affected by the
2549 economic development;

2550 (c) state the standards that will guide the economic development;

2551 (d) show how the purposes of this title will be attained by the economic development;

2552 (e) be consistent with the general plan of the community in which the project area is
2553 located and show that the economic development will conform to the community's general
2554 plan;

2555 (f) describe how the economic development will create additional jobs;

2556 (g) describe any specific project or projects that are the object of the proposed
2557 economic development;

2558 (h) identify how private developers, if any, will be selected to undertake the economic
2559 development and identify each private developer currently involved in the economic
2560 development process;

2561 (i) state the reasons for the selection of the project area;

2562 (j) describe the physical, social, and economic conditions existing in the project area;

2563 (k) describe any tax incentives offered private entities for facilities located in the
2564 project area;

2565 (l) include an analysis, as provided in Subsection (2), of whether adoption of the
2566 project area plan is beneficial under a benefit analysis;

2567 (m) if any of the existing buildings or uses in the project area are included in or eligible
2568 for inclusion in the National Register of Historic Places or the State Register, state that the
2569 agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency; and

2570 (n) include other information that the agency determines to be necessary or advisable.

2571 (2) Each analysis under Subsection (1)(l) shall consider:

2572 (a) the benefit of any financial assistance or other public subsidy proposed to be
2573 provided by the agency, including:

2574 (i) an evaluation of the reasonableness of the costs of economic development;

2575 (ii) efforts the agency or developer has made or will make to maximize private
2576 investment;

2577 (iii) the rationale for use of tax increment, including an analysis of whether the
2578 proposed development might reasonably be expected to occur in the foreseeable future solely
2579 through private investment; and

2580 (iv) an estimate of the total amount of tax increment that will be expended in
2581 undertaking economic development and the length of time for which it will be expended; and

2582 (b) the anticipated public benefit to be derived from the economic development,
2583 including:

2584 (i) the beneficial influences upon the tax base of the community;

2585 (ii) the associated business and economic activity likely to be stimulated; and

2586 (iii) the number of jobs or employment anticipated to be generated or preserved.

2587 Section 76. Section **17C-3-104** is enacted to read:

2588 **17C-3-104. Existing and historic buildings and uses.**

2589 If any of the existing buildings or uses in a project area are included in or eligible for
2590 inclusion in the National Register of Historic Places or the State Register, the agency shall
2591 comply with Subsection 9-8-404(1) as though the agency were a state agency.

2592 Section 77. Section **17C-3-105** is enacted to read:

2593 **17C-3-105. Board resolution approving project area plan -- Requirements.**

2594 Each board resolution approving a draft economic development project area plan as the
2595 project area plan under Subsection 17C-3-102(1)(g) shall contain:

2596 (1) a legal description of the boundaries of the project area that is the subject of the
2597 project area plan;

2598 (2) the agency's purposes and intent with respect to the project area;

2599 (3) the project area plan incorporated by reference; and

2600 (4) the board findings and determinations that:

- 2601 (a) there is a need to effectuate a public purpose;
- 2602 (b) there is a public benefit under the analysis described in Subsection 17C-3-103(2);
- 2603 (c) it is economically sound and feasible to adopt and carry out the project area plan;
- 2604 (d) the project area plan conforms to the community's general plan; and
- 2605 (e) carrying out the project area plan will promote the public peace, health, safety, and
- 2606 welfare of the community in which the project area is located.

2607 Section 78. Section **17C-3-106** is enacted to read:

2608 **17C-3-106. Plan to be adopted by community legislative body.**

2609 (1) A project area plan approved by board resolution under Subsection
2610 17C-3-102(1)(g) may not take effect until it has been adopted by ordinance of the legislative
2611 body of the community that created the agency and notice under Section 17C-3-107 is
2612 provided.

2613 (2) Each ordinance under Subsection (1) shall:

2614 (a) be adopted by the community legislative body after the board's approval of a
2615 resolution under Subsection 17C-3-102(1)(g); and

2616 (b) designate the approved project area plan as the official economic development plan
2617 of the project area.

2618 Section 79. Section **17C-3-107** is enacted to read:

2619 **17C-3-107. Notice of project area plan adoption -- Effective date of plan --**
2620 **Contesting the formation of the plan.**

2621 (1) (a) Upon the community legislative body's adoption of a project area plan, the
2622 legislative body shall provide notice as provided in Subsection (1)(b) by:

2623 (i) publishing or causing to be published a notice in a newspaper of general circulation
2624 within the agency's boundaries; or

2625 (ii) if there is no newspaper of general circulation within the agency's boundaries,
2626 causing a notice to be posted in at least three public places within the agency's boundaries.

2627 (b) Each notice under Subsection (1)(a) shall:

2628 (i) set forth the community legislative body's ordinance adopting the project area plan
2629 or a summary of the ordinance; and

2630 (ii) include a statement that the project area plan is available for general public
2631 inspection and the hours for inspection.

2632 (2) The project area plan shall become effective on the date of:
2633 (a) if notice was published under Subsection (1)(a), publication of the notice; or
2634 (b) if notice was posted under Subsection (1)(a), posting of the notice.
2635 (3) (a) For a period of 30 days after the effective date of the project area plan under
2636 Subsection (2), any person in interest may contest the project area plan or the procedure used to
2637 adopt the project area plan if the plan or procedure fails to comply with applicable statutory
2638 requirements.
2639 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
2640 project area plan or procedure used to adopt the project area plan for any cause.
2641 (4) Upon adoption of the project area plan by the community's legislative body, the
2642 agency may carry out the project area plan.
2643 (5) Each agency shall make the adopted project area plan available to the general
2644 public at its offices during normal business hours.
2645 Section 80. Section **17C-3-108** is enacted to read:
2646 **17C-3-108. Agency required to transmit and record documents after adoption of**
2647 **project area plan.**
2648 Within 30 days after the community legislative body adopts, under Section 17C-3-106,
2649 an economic development project area plan, the agency shall:
2650 (1) record with the recorder of the county in which the project area is located a
2651 document containing:
2652 (a) a description of the land within the project area;
2653 (b) a statement that the project area plan for the project area has been adopted; and
2654 (c) the date of adoption;
2655 (2) transmit a copy of the description of the land within the project area and an accurate
2656 map or plat indicating the boundaries of the project area to the Automated Geographic
2657 Reference Center created under Section 63F-1-506; and
2658 (3) for a project area plan that provides for the payment of tax increment to the agency,
2659 transmit a copy of the description of the land within the project area, a copy of the community
2660 legislative body ordinance adopting the project area plan, and a map or plat indicating the
2661 boundaries of the project area to:
2662 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any

2663 part of the project area is located;

2664 (b) the officer or officers performing the function of auditor or assessor for each taxing
2665 entity that does not use the county assessment roll or collect its taxes through the county;

2666 (c) the legislative body or governing board of each taxing entity;

2667 (d) the State Tax Commission; and

2668 (e) the State Board of Education.

2669 Section 81. Section **17C-3-109** is enacted to read:

2670 **17C-3-109. Amending an economic development project area plan.**

2671 (1) An adopted economic development project area plan may be amended as provided
2672 in this section.

2673 (2) If an agency proposes to amend an adopted economic development project area
2674 plan to enlarge the project area:

2675 (a) the requirements under this part that apply to adopting a project area plan apply
2676 equally to the proposed amendment as if it were a proposed project area plan;

2677 (b) the base year taxable value for the new area added to the project area shall be
2678 determined under Subsection 17C-1-102(6)(b) using the date of the taxing entity committee's
2679 consent referred to in Subsection (2)(c); and

2680 (c) the agency shall obtain the consent of the taxing entity committee before the agency
2681 may collect tax increment from the area added to the project area by the amendment.

2682 (3) If a proposed amendment does not propose to enlarge a project area, an agency
2683 board may adopt a resolution approving an amendment to an adopted project area plan after:

2684 (a) the agency gives notice, as provided in Section 17C-3-402, of the proposed
2685 amendment and of the public hearing required by Subsection (3)(b);

2686 (b) the agency board holds a public hearing on the proposed amendment that meets the
2687 requirements of a plan hearing;

2688 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
2689 amendment proposes:

2690 (i) to enlarge the area within the project area from which tax increment is collected; or

2691 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
2692 tax increment for a longer period of time than allowed under the adopted project area plan; and

2693 (d) the agency obtains the consent of the legislative body or governing board of each

2694 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
2695 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a
2696 longer period of time, or both, than allowed under the adopted project area plan.

2697 (4) (a) An adopted project area plan may be amended without complying with the
2698 notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without
2699 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

2700 (i) makes a minor adjustment in the legal description of a project area boundary
2701 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;

2702 or

2703 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
2704 because the agency determines that inclusion of the parcel is no longer necessary or desirable to
2705 the project area.

2706 (b) An amendment removing a parcel of real property from a project area under
2707 Subsection (4)(a) may not be made without the consent of the record property owner of the
2708 parcel being removed.

2709 (5) (a) An amendment approved by board resolution under this section may not take
2710 effect until adopted by ordinance of the legislative body of the community in which the project
2711 area that is the subject of the project area plan being amended is located.

2712 (b) Upon a community legislative body passing an ordinance adopting an amendment
2713 to a project area plan, the agency whose project area plan was amended shall comply with the
2714 requirements of Section 17C-3-108 to the same extent as if the amendment were a project area
2715 plan.

2716 Section 82. Section **17C-3-201** is enacted to read:

2717 **Part 2. Economic Development Project Area Budget**

2718 **17C-3-201. Project area budget -- Requirements for adopting -- Contesting the**
2719 **budget or procedure -- Time limit.**

2720 (1) If an agency anticipates funding all or a portion of a post-June 30, 1993 economic
2721 development project area plan with tax increment, the agency shall, subject to Section
2722 17C-3-202, adopt a project area budget as provided in this part.

2723 (2) To adopt an economic development project area budget, the agency shall:

2724 (a) prepare a draft of an economic development project area budget;

2725 (b) make a copy of the draft project area budget available to the public at the agency's
2726 offices during normal business hours;

2727 (c) provide notice of the budget hearing as required by Part 4, Economic Development
2728 Notice Requirements;

2729 (d) hold a public hearing on the draft project area budget and, at that public hearing,
2730 allow public comment on:

2731 (i) the draft project area budget; and

2732 (ii) whether the draft project area budget should be revised, adopted, or rejected;

2733 (e) (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing
2734 entity committee on the draft project area budget or a revised version of the draft project area
2735 budget; or

2736 (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2); and

2737 (f) after the budget hearing, hold a board meeting in the same meeting as the public
2738 hearing or in a subsequent meeting to:

2739 (i) consider comments made and information presented at the public hearing relating to
2740 the draft project area budget; and

2741 (ii) adopt by resolution the draft project area budget, with any revisions, as the project
2742 area budget.

2743 (3) (a) For a period of 30 days after the agency's adoption of the project area budget
2744 under Subsection (2)(f), any person in interest may contest the project area budget or the
2745 procedure used to adopt the project area budget if the budget or procedure fails to comply with
2746 applicable statutory requirements.

2747 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
2748 project area budget or procedure used to adopt the project area budget for any cause.

2749 Section 83. Section **17C-3-202** is enacted to read:

2750 **17C-3-202. Part of tax increment funds to be used for housing -- Waiver of**
2751 **requirement.**

2752 (1) (a) Except as provided in Subsection (1)(b), each economic development project
2753 area budget adopted on or after May 1, 2000 that provides for more than \$100,000 of annual
2754 tax increment to be paid to the agency shall allocate at least 20% of the tax increment for
2755 housing as provided in Section 17C-1-412.

- 2756 (b) The 20% requirement of Subsection (1)(a) may be waived:
2757 (i) in part or whole by the mutual consent of the loan fund board and the taxing entity
2758 committee if they determine that 20% of tax increment is more than is needed to address the
2759 community's need for income targeted housing; or
2760 (ii) in fifth and sixth class counties, by the taxing entity committee for economic
2761 development project area budgets adopted on or after May 1, 2002, if the economic
2762 development project area consists of an area without housing units.
- 2763 (2) An economic development project area budget not required under Subsection (1)(a)
2764 to allocate tax increment for housing may allocate 20% of tax increment payable to the agency
2765 over the life of the project area for housing as provided in Section 17C-1-412 if the project area
2766 budget is under a project area plan that is adopted on or after July 1, 1998.
- 2767 Section 84. Section **17C-3-203** is enacted to read:
2768 **17C-3-203. Consent of taxing entity committee.**
- 2769 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
2770 agency shall obtain the consent of the taxing entity committee for each economic development
2771 project area budget under a post-June 30, 1993 economic development project area plan before
2772 the agency may collect any tax increment from the project area.
- 2773 (b) For an economic development project area budget adopted from July 1, 1998
2774 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided
2775 in Section 17C-1-412, an agency:
- 2776 (i) need not obtain the consent of the taxing entity committee for the project area
2777 budget; and
- 2778 (ii) may not collect any tax increment from all or part of the project area until after:
2779 (A) the loan fund board has certified the project area budget as complying with the
2780 requirements of Section 17C-1-412; and
- 2781 (B) the agency board has approved and adopted the project area budget by a two-thirds
2782 vote.
- 2783 (2) (a) Before a taxing entity committee may consent to a project area budget adopted
2784 on or after May 1, 2000 that is required under Subsection 17C-3-202(1)(a) to allocate 20% of
2785 tax increment for housing, the agency shall:
- 2786 (i) adopt a housing plan showing the uses for the housing funds; and

2787 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
2788 board.

2789 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
2790 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

2791 Section 85. Section **17C-3-204** is enacted to read:

2792 **17C-3-204. Filing a copy of the economic development project area budget.**

2793 Each agency adopting an economic development project area budget shall:

2794 (1) within 30 days after adopting the project area budget, file a copy of the project area
2795 budget with the auditor of the county in which the project area is located, the State Tax
2796 Commission, the state auditor, the State Board of Education, and each taxing entity affected by
2797 the agency's collection of tax increment under the project area budget; and

2798 (2) if the project area budget allocates tax increment for housing under Section
2799 17C-1-412, file a copy of the project area budget with the loan fund board.

2800 Section 86. Section **17C-3-205** is enacted to read:

2801 **17C-3-205. Amending a project area budget.**

2802 (1) An agency may by resolution amend an economic development project area budget
2803 as provided in this section.

2804 (2) To amend an adopted economic development project area budget, the agency shall:

2805 (a) advertise and hold one public hearing on the proposed amendment as provided in
2806 Subsection (3):

2807 (b) obtain the approval of the taxing entity committee if the agency was required under
2808 Section 17C-3-203 to obtain the consent of the taxing entity committee for the project area
2809 budget as originally adopted; and

2810 (c) adopt a resolution amending the project area budget.

2811 (3) The public hearing required under Subsection (2)(a) shall be conducted according
2812 to the procedures and requirements of Section 17C-3-201, except that if the amended project
2813 area budget proposes that the agency be paid a greater proportion of tax increment from a
2814 project area than was to be paid under the previous project area budget, the notice shall state
2815 the percentage paid under the previous project area budget and the percentage proposed under
2816 the amended project area budget.

2817 (4) If a proposed amendment is not adopted, the agency shall continue to operate under

2818 the previously adopted economic development project area budget without the proposed
2819 amendment.

2820 Section 87. Section **17C-3-301** is enacted to read:

2821 **Part 3. Economic Development Hearings**

2822 **17C-3-301. Combining hearings.**

2823 A board may combine a plan hearing with a budget hearing.

2824 Section 88. Section **17C-3-302** is enacted to read:

2825 **17C-3-302. Continuing a hearing.**

2826 Subject to Section 17C-3-303, the board may continue from time to time a:

2827 (1) plan hearing;

2828 (2) budget hearing; or

2829 (3) combined plan hearing and budget hearing under Section 17C-3-301.

2830 Section 89. Section **17C-3-303** is enacted to read:

2831 **17C-3-303. Notice required for continued hearing.**

2832 The board shall give notice of a hearing continued under Section 17C-3-302 by
2833 announcing at the hearing:

2834 (1) the date, time, and place the hearing will be resumed; or

2835 (2) that it is being continued to a later time and causing a notice of the continued
2836 hearing to be:

2837 (a) published once in a newspaper of general circulation within the agency boundaries
2838 at least seven days before the hearing is scheduled to resume; or

2839 (b) if there is no newspaper of general circulation, posted in at least three conspicuous
2840 places within the boundaries of the agency in which the project area or proposed project area is
2841 located.

2842 Section 90. Section **17C-3-401** is enacted to read:

2843 **Part 4. Economic Development Notice Requirements**

2844 **17C-3-401. Agency to provide notice of hearings.**

2845 (1) Each agency shall provide notice, as provided in this part, of each:

2846 (a) plan hearing; and

2847 (b) budget hearing.

2848 (2) The notice required under Subsection (1) for a plan hearing may be combined with

2849 the notice required for a budget hearing if those two hearings are combined under Section
2850 17C-3-301.

2851 Section 91. Section **17C-3-402** is enacted to read:

2852 **17C-3-402. Requirements for notice provided by agency.**

2853 (1) The notice required by Section 17C-3-401 shall be given by:

2854 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
2855 newspaper of general circulation within the county in which the project area or proposed
2856 project area is located, at least 14 days before the hearing; or

2857 (ii) if there is no newspaper of general circulation, posting notice in at least three
2858 conspicuous places within the county in which the project area or proposed project area is
2859 located; and

2860 (b) at least 30 days before the hearing, mailing notice to:

2861 (i) each record owner of property located within the project area or proposed project
2862 area;

2863 (ii) the State Tax Commission;

2864 (iii) the assessor and auditor of the county in which the project area or proposed project
2865 area is located; and

2866 (iv) (A) each member of the taxing entity committee; or

2867 (B) if a taxing entity committee has not yet been formed, the State Board of Education
2868 and the legislative body or governing board of each taxing entity.

2869 (2) The mailing of notice to record property owners required under Subsection (1)(b)(i)
2870 shall be conclusively considered to have been properly completed if:

2871 (a) the agency mails the notice to the property owners as shown in the records,
2872 including an electronic database, of the county recorder's office and at the addresses shown in
2873 those records; and

2874 (b) the county recorder's office records used by the agency in identifying owners to
2875 whom the notice is mailed and their addresses were obtained or accessed from the county
2876 recorder's office no earlier than 30 days before the mailing.

2877 (3) The agency shall include in each notice required under Section 17C-3-401:

2878 (a) (i) a specific description of the boundaries of the economic development project
2879 area or proposed project area; or

2880 (ii) (A) a mailing address or telephone number where a person may request that a copy
2881 of the description be sent at no cost to the person by mail or facsimile transmission; and

2882 (B) if the agency has an Internet website, an Internet address where a person may gain
2883 access to an electronic, printable copy of the description;

2884 (b) a map of the boundaries of the project area or proposed project area;

2885 (c) an explanation of the purpose of the hearing; and

2886 (d) a statement of the date, time, and location of the hearing.

2887 (4) The agency shall include in each notice under Subsections (1)(b)(ii), (iii), and (iv):

2888 (a) a statement that property tax revenues resulting from an increase in valuation of
2889 property within the economic development project area or proposed project area will be paid to
2890 the agency for economic development purposes rather than to the taxing entity to which the tax
2891 revenues would otherwise have been paid if:

2892 (i) a majority of the taxing entity committee consents to the project area budget; and

2893 (ii) the project area plan provides for the agency to receive tax increment; and

2894 (b) an invitation to the recipient of the notice to submit to the agency comments
2895 concerning the subject matter of the hearing before the date of the hearing.

2896 (5) An agency may include in a notice under Subsection (1) any other information the
2897 agency considers necessary or advisable, including the public purpose served by the project and
2898 any future tax benefits expected to result from the project.

2899 Section 92. Section **17C-3-403** is enacted to read:

2900 **17C-3-403. Additional requirements for notice of a plan hearing.**

2901 Each notice under Section 17C-3-402 of a plan hearing shall include:

2902 (1) a statement that any person objecting to the draft project area plan or contesting the
2903 regularity of any of the proceedings to adopt it may appear before the agency board at the
2904 hearing to show cause why the draft project area plan should not be adopted; and

2905 (2) a statement that the proposed economic development project area plan is available
2906 for inspection at the agency offices.

2907 Section 93. Section **17C-3-404** is enacted to read:

2908 **17C-3-404. Additional requirements for notice of a budget hearing.**

2909 Each notice under Subsection 17C-3-201(2)(c) of a budget hearing shall contain:

2910 (1) the following statement:

2911 "The (name of agency) has requested \$ _____ in property tax revenues that will be
 2912 generated by development within the (name of project area) to fund a portion of project costs
 2913 within the (name of project area). These property tax revenues will be used for the following:
 2914 (list major budget categories and amounts). These property taxes will be taxes levied by the
 2915 following governmental entities, and, assuming current tax rates, the taxes paid to the agency
 2916 for this project area from each taxing entity will be as follows: (list each taxing entity levying
 2917 taxes and the amount of total taxes that would be paid from each taxing entity). All of the
 2918 property taxes to be paid to the agency for the economic development in the project area are
 2919 taxes that will be generated only if the project area is developed.

2920 All concerned citizens are invited to attend the project area budget hearing scheduled
 2921 for (date, time, and place of hearing). A copy of the (name of project area) project area budget
 2922 is available at the offices of (name of agency and office address)."; and

2923 (2) other information that the agency considers appropriate.

2924 Section 94. Section **17C-4-101** is enacted to read:

2925 **CHAPTER 4. COMMUNITY DEVELOPMENT**

2926 **Part 1. Community Development Project Area Plan**

2927 **17C-4-101. Resolution authorizing the preparation of a community development**
 2928 **draft project area plan -- Request to adopt resolution.**

2929 (1) An agency board may begin the process of adopting a community development
 2930 project area plan by adopting a resolution that authorizes the preparation of a draft community
 2931 development project area plan.

2932 (2) (a) Any person or any group, association, corporation, or other entity may submit a
 2933 written request to the board to adopt a resolution under Subsection (1).

2934 (b) A request under Subsection (2)(a) may include plans showing the community
 2935 development proposed for an area within the agency's boundaries.

2936 (c) The board may, in its sole discretion, grant or deny a request under Subsection
 2937 (2)(a).

2938 Section 95. Section **17C-4-102** is enacted to read:

2939 **17C-4-102. Process for adopting project area plan -- Prerequisites -- Restrictions.**

2940 (1) In order to adopt a community development project area plan, after adopting a
 2941 resolution under Subsection 17C-4-101(1) the agency shall:

- 2942 (a) prepare a draft of a community development project area plan and conduct any
2943 examination, investigation, and negotiation regarding the project area plan that the agency
2944 considers appropriate;
- 2945 (b) make the draft project area plan available to the public at the agency's offices
2946 during normal business hours;
- 2947 (c) provide notice of the plan hearing as provided in Section 17C-4-402;
- 2948 (d) hold a public hearing on the draft project area plan and, at that public hearing:
- 2949 (i) allow public comment on:
- 2950 (A) the draft project area plan; and
- 2951 (B) whether the draft project area plan should be revised, approved, or rejected; and
- 2952 (ii) receive all written and hear all oral objections to the draft project area plan;
- 2953 (e) after holding the plan hearing, at the same meeting or at one or more subsequent
2954 meetings consider:
- 2955 (i) the oral and written objections to the draft project area plan and evidence and
2956 testimony for or against adoption of the draft project area plan; and
- 2957 (ii) whether to revise, approve, or reject the draft project area plan;
- 2958 (f) approve the draft project area plan, with or without revisions, as the project area
2959 plan by a resolution that complies with Section 17C-4-104; and
- 2960 (g) submit the project area plan to the community legislative body for adoption.
- 2961 (2) An agency may not propose a community development project area plan under
2962 Subsection (1) unless the community in which the proposed project area is located:
- 2963 (a) has a planning commission; and
- 2964 (b) has adopted a general plan under:
- 2965 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or
2966 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- 2967 (3) (a) Except as provided in Subsection (3)(b), a draft project area plan may not be
2968 modified to add real property to the proposed project area unless the board holds a plan hearing
2969 to consider the addition and gives notice of the plan hearing as required under Section
2970 17C-4-402.
- 2971 (b) The notice and hearing requirements under Subsection (3)(a) do not apply to a draft
2972 project area plan being modified to add real property to the proposed project area if:

2973 (i) the property is contiguous to the property already included in the proposed project
2974 area under the draft project area plan; and

2975 (ii) the record owner of the property consents to adding the real property to the
2976 proposed project area.

2977 Section 96. Section **17C-4-103** is enacted to read:

2978 **17C-4-103. Community development project area plan requirements.**

2979 Each community development project area plan and draft project area plan shall:

2980 (1) describe the boundaries of the project area;

2981 (2) contain a general statement of the land uses, layout of principal streets, population
2982 densities, and building intensities of the project area and how they will be affected by the
2983 community development;

2984 (3) state the standards that will guide the community development;

2985 (4) show how the purposes of this title will be attained by the community development;

2986 (5) be consistent with the general plan of the community in which the project area is
2987 located and show that the community development will conform to the community's general
2988 plan;

2989 (6) describe any specific project or projects that are the object of the proposed
2990 community development;

2991 (7) identify how private developers, if any, will be selected to undertake the
2992 community development and identify each private developer currently involved in the
2993 community development process;

2994 (8) state the reasons for the selection of the project area;

2995 (9) describe the physical, social, and economic conditions existing in the project area;

2996 (10) describe any tax incentives offered private entities for facilities located in the
2997 project area;

2998 (11) include an analysis or description of the anticipated public benefit to be derived
2999 from the community development, including:

3000 (a) the beneficial influences upon the tax base of the community; and

3001 (b) the associated business and economic activity likely to be stimulated; and

3002 (12) include other information that the agency determines to be necessary or advisable.

3003 Section 97. Section **17C-4-104** is enacted to read:

3004 **17C-4-104. Board resolution approving project area plan -- Requirements.**

3005 Each board resolution approving a draft community development project area plan as
3006 the project area plan under Subsection 17C-4-102(1)(f) shall contain:

3007 (1) a legal description of the boundaries of the project area that is the subject of the
3008 project area plan;

3009 (2) the agency's purposes and intent with respect to the project area;

3010 (3) the project area plan incorporated by reference; and

3011 (4) the board findings and determinations that adoption of the community development
3012 project area plan will:

3013 (a) satisfy a public purpose;

3014 (b) provide a public benefit as shown by the analysis described in Subsection
3015 17C-4-103(11);

3016 (c) be economically sound and feasible;

3017 (d) conform to the community's general plan; and

3018 (e) promote the public peace, health, safety, and welfare of the community in which the
3019 project area is located.

3020 Section 98. Section **17C-4-105** is enacted to read:

3021 **17C-4-105. Plan to be adopted by community legislative body.**

3022 (1) A community development project area plan approved by board resolution under
3023 Section 17C-4-104 may not take effect until it has been adopted by ordinance of the legislative
3024 body of the community that created the agency and notice under Section 17C-4-106 is
3025 provided.

3026 (2) Each ordinance under Subsection (1) shall:

3027 (a) be adopted by the community legislative body after the board's approval of a
3028 resolution under Section 17C-4-104; and

3029 (b) designate the approved project area plan as the official community development
3030 plan of the project area.

3031 Section 99. Section **17C-4-106** is enacted to read:

3032 **17C-4-106. Notice of project area plan adoption -- Effective date of plan --**
3033 **Contesting the formation of the plan.**

3034 (1) (a) Upon the community legislative body's adoption of a community development

3035 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

3036 (i) publishing or causing to be published a notice in a newspaper of general circulation
3037 within the agency's boundaries; or

3038 (ii) if there is no newspaper of general circulation within the agency's boundaries,
3039 causing a notice to be posted in at least three public places within the agency's boundaries.

3040 (b) Each notice under Subsection (1)(a) shall:

3041 (i) set forth the community legislative body's ordinance adopting the community
3042 development project area plan or a summary of the ordinance; and

3043 (ii) include a statement that the project area plan is available for general public
3044 inspection and the hours for inspection.

3045 (2) The project area plan shall become effective on the date of:

3046 (a) if notice was published under Subsection (1)(a), publication of the notice; or

3047 (b) if notice was posted under Subsection (1)(a), posting of the notice.

3048 (3) (a) For a period of 30 days after the effective date of the project area plan under

3049 Subsection (2), any person in interest may contest the project area plan or the procedure used to

3050 adopt the project area plan if the plan or procedure fails to comply with applicable statutory
3051 requirements.

3052 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
3053 project area plan or procedure used to adopt the project area plan for any cause.

3054 (4) Upon adoption of the community development project area plan by the
3055 community's legislative body, the agency may carry out the project area plan.

3056 (5) Each agency shall make the adopted project area plan available to the general
3057 public at its offices during normal business hours.

3058 Section 100. Section **17C-4-107** is enacted to read:

3059 **17C-4-107. Agency required to transmit and record documents after adoption of**
3060 **project area plan.**

3061 Within 30 days after the community legislative body adopts, under Section 17C-4-105,
3062 a community development project area plan, the agency shall:

3063 (1) record with the recorder of the county in which the project area is located a
3064 document containing:

3065 (a) a description of the land within the project area;

3066 (b) a statement that the project area plan for the project area has been adopted; and
3067 (c) the date of adoption;
3068 (2) transmit a copy of the description of the land within the project area and an accurate
3069 map or plat indicating the boundaries of the project area to the Automated Geographic
3070 Reference Center created under Section 63F-1-506; and
3071 (3) for a project area plan that provides for the payment of tax increment to the agency,
3072 transmit a copy of the description of the land within the project area, a copy of the community
3073 legislative body ordinance adopting the project area plan, and a map or plat indicating the
3074 boundaries of the project area to:
3075 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
3076 part of the project area is located;
3077 (b) the officer or officers performing the function of auditor or assessor for each taxing
3078 entity that does not use the county assessment roll or collect its taxes through the county;
3079 (c) the legislative body or governing board of each taxing entity;
3080 (d) the State Tax Commission; and
3081 (e) the State Board of Education.
3082 Section 101. Section **17C-4-108** is enacted to read:
3083 **17C-4-108. Amending a community development project area plan.**
3084 (1) Except as provided in Subsection (2), the requirements under this part that apply to
3085 adopting a community development project area plan apply equally to a proposed amendment
3086 of a community development project area plan as though the amendment were a proposed
3087 project area plan.
3088 (2) (a) Notwithstanding Subsection (1), an adopted project area plan may be amended
3089 without complying with the notice and public hearing requirements of this part if the proposed
3090 amendment:
3091 (i) makes a minor adjustment in the legal description of a project area boundary
3092 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
3093 or
3094 (ii) subject to Subsection (2)(b), removes a parcel of real property from a project area
3095 because the agency determines that inclusion of the parcel is no longer necessary or desirable to
3096 the project area.

3097 (b) An amendment removing a parcel of real property from a community development
3098 project area under Subsection (2)(a)(ii) may not be made without the consent of the record
3099 property owner of the parcel being removed.

3100 (3) (a) An amendment approved by board resolution under this section may not take
3101 effect until adopted by ordinance of the legislative body of the community in which the project
3102 area that is the subject of the project area plan being amended is located.

3103 (b) Upon a community legislative body passing an ordinance adopting an amendment
3104 to a community development project area plan, the agency whose project area plan was
3105 amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the
3106 same extent as if the amendment were a project area plan.

3107 Section 102. Section **17C-4-201** is enacted to read:

3108 **Part 2. Funds for Community Development Project from Other Entities**

3109 **17C-4-201. Consent of a taxing entity or public agency to an agency receiving tax**
3110 **increment or sales tax funds.**

3111 (1) An agency may negotiate with a taxing entity and public agency for the taxing
3112 entity's or public agency's consent to the agency receiving the entity's or public agency's tax
3113 increment or sales tax revenues, or both, for the purpose of providing funds to carry out a
3114 proposed or adopted community development project area plan.

3115 (2) The consent of a taxing entity or public agency under Subsection (1) may be
3116 expressed in:

3117 (a) a resolution adopted by the taxing entity or public agency; or

3118 (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act,
3119 between the taxing entity or public agency and the agency.

3120 (3) A school district may consent to an agency receiving tax increment from the school
3121 district's basic levy only to the extent that the school district also consents to the agency
3122 receiving tax increment from the school district's local levy.

3123 (4) (a) A resolution or interlocal agreement under this section may be amended from
3124 time to time.

3125 (b) Each amendment of a resolution or interlocal agreement shall be subject to and
3126 receive the benefits of the provisions of this part to the same extent as if the amendment were
3127 an original resolution or interlocal agreement.

3128 (5) A taxing entity's or public agency's consent to an agency receiving funds under this
3129 section is not subject to the requirements of Section 10-8-2.

3130 Section 103. Section **17C-4-202** is enacted to read:

3131 **17C-4-202. Resolution or interlocal agreement to provide funds for the project**
3132 **area plan -- Notice -- Effective date of resolution or interlocal agreement -- Time to**
3133 **contest resolution or interlocal agreement -- Availability of resolution or interlocal**
3134 **agreement.**

3135 (1) The approval and adoption of each resolution or interlocal agreement under
3136 Subsection 17C-4-201(2) shall be in an open and public meeting.

3137 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
3138 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

3139 (i) publishing or causing to be published a notice in a newspaper of general circulation
3140 within the agency's boundaries; or

3141 (ii) if there is no newspaper of general circulation within the agency's boundaries,
3142 causing a notice to be posted in at least three public places within the agency's boundaries.

3143 (b) Each notice under Subsection (2)(a) shall:

3144 (i) set forth a summary of the resolution or interlocal agreement; and

3145 (ii) include a statement that the resolution or interlocal agreement is available for
3146 general public inspection and the hours of inspection.

3147 (3) The resolution or interlocal agreement shall become effective on the date of:

3148 (a) if notice was published under Subsection (2)(a), publication of the notice; or

3149 (b) if notice was posted under Subsection (2)(a), posting of the notice.

3150 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
3151 agreement under Subsection (3), any person in interest may contest the resolution or interlocal
3152 agreement or the procedure used to adopt the resolution or interlocal agreement if the
3153 resolution or interlocal agreement or procedure fails to comply with applicable statutory
3154 requirements.

3155 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the
3156 interlocal agreement for any cause.

3157 (5) Each agency that is to receive funds under a resolution or interlocal agreement
3158 under Section 17C-4-201 and each taxing entity or public agency that approves a resolution or

3159 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or
3160 interlocal agreement, as the case may be, available at its offices to the general public for
3161 inspection and copying during normal business hours.

3162 Section 104. Section 17C-4-203 is enacted to read:

3163 **17C-4-203. Requirement to file a copy of the resolution or interlocal agreement --**
3164 **County payment of tax increment to the agency.**

3165 (1) Each agency that is to receive funds under a resolution or interlocal agreement
3166 under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or
3167 interlocal agreement, file a copy of it with:

3168 (a) the State Tax Commission and the state auditor; and

3169 (b) the auditor of the county in which the project area is located, if the resolution or
3170 interlocal agreement provides for the agency to receive tax increment from the taxing entity or
3171 public agency that adopted the resolution or entered into the interlocal agreement.

3172 (2) Each county that collects property tax on property within a community
3173 development project area shall, in the manner and at the time provided in Section 59-2-1365,
3174 pay and distribute to the agency the tax increment that the agency is entitled to receive under a
3175 resolution approved or an interlocal agreement adopted under Section 17C-4-201.

3176 Section 105. Section 17C-4-204 is enacted to read:

3177 **17C-4-204. Adoption of a budget for a community development project area plan**
3178 **-- Amendment.**

3179 (1) An agency may prepare and, by resolution adopted at a regular or special meeting
3180 of the agency board, adopt a budget setting forth:

3181 (a) the anticipated costs, including administrative costs, of implementing the
3182 community development project area plan; and

3183 (b) the tax increment, sales tax, and other revenue the agency anticipates receiving to
3184 fund the project.

3185 (2) An agency may, by resolution adopted at a regular or special meeting of the agency
3186 board, amend a budget adopted under Subsection (1).

3187 (3) Each resolution to adopt or amend a budget under this section shall appear as an
3188 item on the agenda for the regular or special agency board meeting at which the resolution is
3189 adopted. No other notice is required.

3190 Section 106. Section **17C-4-301** is enacted to read:

3191 **Part 3. Community Development Hearings**

3192 **17C-4-301. Continuing a plan hearing.**

3193 Subject to Section 17C-4-302, a board may continue a plan hearing from time to time.

3194 Section 107. Section **17C-4-302** is enacted to read:

3195 **17C-4-302. Notice required for continued hearing.**

3196 The board shall give notice of a hearing continued under Section 17C-4-301 by
3197 announcing at the hearing:

3198 (1) the date, time, and place the hearing will be resumed; or

3199 (2) that it is being continued to a later time and causing a notice of the continued
3200 hearing to be:

3201 (a) published once in a newspaper of general circulation within the agency boundaries
3202 at least seven days before the hearing is scheduled to resume; or

3203 (b) if there is no newspaper of general circulation, posted in at least three conspicuous
3204 places within the boundaries of the agency in which the project area or proposed project area is
3205 located.

3206 Section 108. Section **17C-4-401** is enacted to read:

3207 **Part 4. Community Development Notice Requirements**

3208 **17C-4-401. Agency required to provide notice of plan hearing.**

3209 Each agency shall provide notice of each plan hearing as provided in Section
3210 17C-4-402.

3211 Section 109. Section **17C-4-402** is enacted to read:

3212 **17C-4-402. Requirements for notice provided by agency.**

3213 (1) The notice required by Section 17C-4-401 shall be given by:

3214 (a) (i) publishing one notice, excluding the map referred to in Subsection (2)(b), in a
3215 newspaper of general circulation within the county in which the project area or proposed
3216 project area is located, at least 14 days before the hearing; or

3217 (ii) if there is no newspaper of general circulation, posting notice, at least 14 days
3218 before the hearing, in at least three conspicuous places within the county in which the project
3219 area or proposed project area is located; and

3220 (b) at least 30 days before the hearing, mailing notice to:

- 3221 (i) each record owner of property located within the project area or proposed project
3222 area;
- 3223 (ii) the State Tax Commission;
- 3224 (iii) the assessor and auditor of the county in which the project area or proposed project
3225 area is located; and
- 3226 (iv) the State Board of Education and the legislative body or governing board of each
3227 taxing entity.
- 3228 (2) The mailing of the notice to record property owners required under Subsection
3229 (1)(b)(i) shall be conclusively considered to have been properly completed if:
- 3230 (a) the agency mails the notice to the property owners as shown in the records,
3231 including an electronic database, of the county recorder's office and at the addresses shown in
3232 those records; and
- 3233 (b) the county recorder's office records used by the agency in identifying owners to
3234 whom the notice is mailed and their addresses were obtained or accessed from the county
3235 recorder's office no earlier than 30 days before the mailing.
- 3236 (3) The agency shall include in each notice required under Section 17C-4-401:
- 3237 (a) (i) a specific description of the boundaries of the project area or proposed project
3238 area; or
- 3239 (ii) (A) a mailing address or telephone number where a person may request that a copy
3240 of the description be sent at no cost to the person by mail or facsimile transmission; and
- 3241 (B) if the agency has an Internet website, an Internet address where a person may gain
3242 access to an electronic, printable copy of the description;
- 3243 (b) a map of the boundaries of the project area or proposed project area;
- 3244 (c) an explanation of the purpose of the hearing;
- 3245 (d) a statement of the date, time, and location of the hearing;
- 3246 (e) an invitation to the recipient of the notice to submit to the agency comments
3247 concerning the subject matter of the hearing before the date of the hearing;
- 3248 (f) a statement that any person objecting to the draft project area plan or contesting the
3249 regularity of any of the proceedings to adopt it may appear before the agency board at the
3250 hearing to show cause why the draft project area plan should not be adopted; and
- 3251 (g) a statement that the proposed project area plan is available for inspection at the

3252 agency offices.

3253 (4) An agency may include in a notice under Subsection (1) any other information the
3254 agency considers necessary or advisable, including the public purpose served by the project and
3255 any future tax benefits expected to result from the project.

3256 Section 110. **Repealer.**

3257 This bill repeals:

3258 Section **17B-4-404, Limit on size of project area in certain project area plans.**

3259 Section **17B-4-601, Additional procedure for adopting a redevelopment project**
3260 **area plan.**

3261 Section **17B-4-901, Property owner and tenant opportunities to participate in**
3262 **redemption project -- Preferential opportunities.**

3263 Section **17B-4-902, Statement of rights of owners of property in redemption**
3264 **project area.**

3265 Section **17B-4-1101, Use of eminent domain prohibited.**

3266 Section **17B-4-1104, Limitation on acquisition of property with existing building.**

Legislative Review Note

as of 2-7-06 10:02 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0196

Revisions to Redevelopment Agency Provisions

13-Feb-06

11:35 AM

State Impact

Passage of this bill would have no impact on state revenues.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst