

- 26 • requires the agency to allocate a percentage of project area funds for housing;
- 27 • prohibits an agency from adopting a proposed community reinvestment project
- 28 area plan if 51% of the property owners within the proposed community
- 29 reinvestment project area object to the plan; and
- 30 • requires the agency to adopt a community reinvestment project area budget;
- 31 ▶ authorizes, under certain circumstances, an agency to acquire by eminent domain
- 32 property that the property owner fails to develop in accordance with a project area
- 33 plan;
- 34 ▶ provides the option for an agency to give the agency's housing allocation to a county
- 35 housing authority;
- 36 ▶ provides a process by which an agency may dissolve a project area;
- 37 ▶ clarifies how a project area's incremental value is factored into the new growth
- 38 calculation; and
- 39 ▶ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 **H→ [None] This bill provides a coordination clause. ←H**

44 **Utah Code Sections Affected:**

45 **AMENDS:**

- 46 **10-1-203**, as last amended by Laws of Utah 2014, Chapter 189
- 47 **10-3-1303**, as last amended by Laws of Utah 2011, Chapter 40
- 48 **10-9a-508**, as last amended by Laws of Utah 2013, Chapter 309
- 49 **11-25-2**, as last amended by Laws of Utah 2006, Chapter 359
- 50 **11-25-3**, as last amended by Laws of Utah 2010, Chapter 279
- 51 **11-27-2**, as last amended by Laws of Utah 2010, Chapter 279
- 52 **11-31-2**, as last amended by Laws of Utah 2010, Chapter 378
- 53 **11-32-2**, as last amended by Laws of Utah 2008, Chapter 360
- 54 **11-34-1**, as last amended by Laws of Utah 2010, Chapter 378
- 55 **11-49-102**, as enacted by Laws of Utah 2012, Chapter 202
- 56 **11-50-102**, as enacted by Laws of Utah 2013, Chapter 367

3033 existing building is to be continued on the building's present site and in the building's present
 3034 form and use unless:

3035 (a) the building requires structural alteration, improvement, modernization, or
 3036 rehabilitation;

3037 (b) the site or lot on which the building is situated requires modification in size, shape,
 3038 or use; or

3039 (c) (i) it is necessary to impose upon the property a standard, restriction, or control of
 3040 the project area plan; and

3041 (ii) the owner fails or refuses to agree to participate in the project area plan.

3041a **§→ (6) An agency may not acquire by eminent domain property that is owned by a public**
 3041b **entity. ←§**

3042 [~~(5) Each~~] **§→** [~~(6)~~] **(7) ←§** An agency that acquires property by eminent domain shall
 3042a comply with

3043 Title 57, Chapter 12, Utah Relocation Assistance Act.

3044 Section 76. Section **17C-1-905**, which is renumbered from Section 17C-2-603 is
 3045 renumbered and amended to read:

3046 **[~~17C-2-603~~]. 17C-1-905. Court award for court costs and attorney fees,**
 3047 **relocation expenses, and damage to fixtures or personal property.**

3048 [~~If a property owner brings an action in district court contesting an agency's exercise of]~~

3049 **In an eminent domain [against that owner's property] action under this part,** the court may
 3050 **award:**

3051 (1) [~~award court~~] costs and [a] reasonable attorney [~~fee, as determined by the court, to~~
 3052 ~~the owner;~~] **fees to the condemnee** if the amount of the court or jury award for the property
 3053 exceeds the amount offered by the agency;

3054 (2) [~~award~~] a reasonable sum, as determined by the court or jury, as compensation for
 3055 any costs [~~and~~] or expenses [~~of~~] relating to relocating:

3056 (a) an owner who occupied the acquired property[;];

3057 (b) a party conducting a business on the acquired property[;]; or

3058 (c) a person displaced from the property, as permitted by Title 57, Chapter 12, Utah
 3059 Relocation Assistance Act; and

3060 (3) [~~award~~] an amount[~~, as determined by the court or jury,~~] to compensate for any
 3061 fixtures or personal property that is:

3062 (a) owned by the owner of the acquired property or by a person conducting a business
 3063 on the acquired property; and

3467 Section 88. Section 17C-2-203 is amended to read:

3468 **17C-2-203. Part of tax increment funds in urban renewal project area budget to**
 3469 **be used for housing -- Waiver of requirement.**

3470 (1) (a) Except as provided in ~~H→~~ [Subsection] Subsections ~~←H~~ (1)(b) ~~H→~~ and (c) ~~←H~~ ,
 3470a each urban renewal project area budget
 3471 adopted on or after May 1, 2000, that provides for more than \$100,000 of annual tax increment
 3472 to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided
 3473 in Section 17C-1-412.

3474 (b) The 20% requirement of Subsection (1)(a) may be waived in part or whole by the
 3475 [~~mutual consent of the loan fund board and the~~] taxing entity committee if [~~they determine~~] the
 3476 taxing entity committee determines that 20% of tax increment is more than is needed to address
 3477 the community's need for income targeted housing.

3477a ~~H→~~ (c) **An agency is not subject to the 20% requirement described in Subsection (1)(a) if:**
 3477b **(i) an inactive industrial site is located within an urban renewal project area; and**
 3477c **(ii) the inactive industrial site's remediation costs are estimated to exceed 20% of the**
 3477d **project area funds under the urban renewal project area budget.** ~~←H~~

3478 (2) An urban renewal project area budget not required under Subsection (1)(a) to
 3479 allocate tax increment for housing may allocate 20% of tax increment [~~payable to~~] received by
 3480 the agency over the life of the project area for housing as provided in Section 17C-1-412 if the
 3481 project area budget is under a project area plan that is adopted on or after July 1, 1998.

3482 Section 89. Section 17C-2-204 is amended to read:

3483 **17C-2-204. Consent of taxing entity committee required for urban renewal**
 3484 **project area budget -- Exception.**

3485 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
 3486 agency shall obtain the consent of the taxing entity committee for each urban renewal project
 3487 area budget under a post-June 30, 1993 project area plan before the agency may [~~collect~~]
 3488 receive any tax increment from the urban renewal project area.

3489 (b) For an urban renewal project area budget adopted from July 1, 1998 through May 1,
 3490 2000 that allocates 20% or more of the tax increment for housing as provided in Section
 3491 17C-1-412, an agency:

3492 (i) need not obtain the consent of the taxing entity committee for the project area
 3493 budget; and

3494 (ii) may not [~~collect~~] receive any tax increment from all or part of the project area until
 3495 after:

3496 (A) the loan fund board has certified the project area budget as complying with the
 3497 requirements of Section 17C-1-412; and

5079 **17C-5-307. Allocating project area funds for housing.**

5080 (1) (a) For a community reinvestment project area that is subject to a taxing entity
 5081 committee, an agency shall allocate at least 20% of the agency's annual tax increment for
 5082 housing in accordance with Section 17C-1-412 if the community reinvestment project area
 5083 budget provides for more than \$100,000 of annual tax increment to be distributed to the
 5084 agency.

5085 (b) The taxing entity committee may waive ~~§~~ → [no more than 10% of the allocation
 5086 described in Subsection (1)(a) in part or whole if the taxing entity committee determines that
 5087 20% of tax increment is more than is needed to address the community's need for income
 5088 targeted housing or homeless assistance] a portion of the allocation described in Subsection (1)(a)
 5088a if:

5088b (i) the taxing entity committee determines that 20% of the agency's annual tax
 5088c increment is more than is needed to address the community's need for income targeted housing
 5088d or homeless assistance; and

5088e (ii) after the waiver, the agency's housing allocation is equal to at least 10% of the
 5088f agency's annual tax increment ←§ .

5089 (2) For a community reinvestment project area that is subject to an interlocal
 5090 agreement, an agency shall allocate at least 10% of the project area funds for housing in
 5091 accordance with Section 17C-1-412 if the community reinvestment project area budget
 5092 provides for more than \$100,000 of annual project area funds to be distributed to the agency.

5093 Section 146. Section **17C-5-401** is enacted to read:

5094 **Part 4. Blight Determination in a Community Reinvestment Project Area**
 5095 **17C-5-401. Title.**

5096 This part is known as "Blight Determination in a Community Reinvestment Project
 5097 Area."

5098 Section 147. Section **17C-5-402** is enacted to read:

5099 **17C-5-402. Blight determination in a community reinvestment project area --**
 5100 **Prerequisites -- Restrictions.**

5101 (1) An agency shall comply with the provisions of this section before the agency may
 5102 use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.

5103 (2) An agency shall, after adopting a survey area resolution as described in Section
 5104 17C-5-103:

5105 (a) cause a blight study to be conducted within the survey area in accordance with
 5106 Section 17C-5-403;

5107 (b) provide notice and hold a blight hearing in accordance with Chapter 1, Part 8,
 5108 Hearing and Notice Requirements; and

5109 (c) after the blight hearing, at the same or at a subsequent meeting;

7280 Part 8, Public Transit District Act, relating to safety appliances and procedures; and
7281 (b) may make further additions or changes necessary for the purpose of safety to
7282 employees and the general public.

7283 Section 181. **Repealer.**

7284 This bill repeals:

7285 Section 17C-1-303, **Summary of sale or other disposition of agency property --**
7286 **Publication of summary.**

7287 Section 17C-3-301, **Combining hearings.**

7288 Section 17C-3-302, **Continuing a hearing.**

7289 Section 17C-3-303, **Notice required for continued hearing.**

7290 Section 17C-3-401, **Agency to provide notice of hearings.**

7291 Section 17C-3-402, **Requirements for notice provided by agency.**

7292 Section 17C-3-403, **Additional requirements for notice of a plan hearing.**

7293 Section 17C-3-404, **Additional requirements for notice of a budget hearing.**

7294 Section 17C-4-301, **Continuing a plan hearing.**

7295 Section 17C-4-302, **Notice required for continued hearing.**

7296 Section 17C-4-401, **Agency required to provide notice of plan hearing.**

7297 Section 17C-4-402, **Requirements for notice provided by agency.**

7297a **Ĥ→ Section 182. Coordinating S.B. 151 with H.B. 25 -- Superseding technical and substantive**
7297b **amendments.**

7297c **If this S.B. 151 and H.B. 25, Property Tax Changes, both pass and become law, it is the**
7297d **intent of the Legislature that the Office of Legislative Research and General Counsel prepare**
7297e **the Utah Code database for publication as follows:**

7297f **(1) the amendments to Section 59-2-924 in H.B. 25 supersede the amendments to**
7297g **Section 59-2-924 in this bill; and**

7297h **(2) modify Subsection 59-2-924(1)(g) to read:**

7297i **"(g) "Incremental value" means the same as that term is defined in Section**
7297j **17C-1-102." ←Ĥ**