

1 **COMMUNITY REINVESTMENT AGENCY CHANGES**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Susan Pulsipher

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to a community reinvestment agency's
10 determination of blight.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows a community reinvestment agency board to make a finding of blight if a
14 survey area includes a site used for the disposal of solid or hazardous waste; and
15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **17C-5-405**, as enacted by Laws of Utah 2016, Chapter 350

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

25 Section 1. Section **17C-5-405** is amended to read:

26 **17C-5-405. Conditions on board determination of blight -- Conditions of blight**
27 **caused by a participant.**



28 (1) A board may not make a finding of blight in a resolution under Subsection
29 17C-5-402(2)(c)(ii) unless the board finds that:

- 30 (a) (i) the survey area consists predominantly of nongreenfield parcels;
- 31 (ii) the survey area is currently zoned for urban purposes and generally served by
32 utilities;
- 33 (iii) at least 50% of the parcels within the survey area contain nonagricultural or
34 nonaccessory buildings or improvements used or intended for residential, commercial,
35 industrial, or other urban purposes;
- 36 (iv) the present condition or use of the survey area substantially impairs the sound
37 growth of the community, delays the provision of housing accommodations, constitutes an
38 economic liability, or is detrimental to the public health, safety, or welfare, as shown by the
39 existence within the survey area of at least four of the following factors:
 - 40 (A) although sometimes interspersed with well maintained buildings and infrastructure,
41 substantial physical dilapidation, deterioration, or defective construction of buildings or
42 infrastructure, or significant noncompliance with current building code, safety code, health
43 code, or fire code requirements or local ordinances;
 - 44 (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or
45 welfare of the community;
 - 46 (C) environmental hazards, as defined in state or federal law, which require
47 remediation as a condition for current or future use and development;
 - 48 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
49 urban use and served by utilities;
 - 50 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
51 welfare;
 - 52 (F) criminal activity in the survey area, higher than that of comparable nonblighted
53 areas in the municipality or county; and
 - 54 (G) defective or unusual conditions of title rendering the title nonmarketable; and
- 55 (v) (A) at least 50% of the privately owned parcels within the survey area are affected
56 by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv);
57 and
- 58 (B) the affected parcels comprise at least 66% of the privately owned acreage within

59 the survey area; or
60 (b) the survey area includes some or all of:
61 (i) a superfund site^[7];
62 (ii) a site used for the disposal of solid waste or hazardous waste, as those terms are
63 defined in Section [19-6-102](#);
64 (iii) an inactive industrial site^[7]; or
65 (iv) an inactive airport site.
66 (2) A single parcel comprising 10% or more of the acreage within the survey area may
67 not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at
68 least 50% of the area of the parcel is occupied by buildings or improvements.
69 (3) (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a
70 participant or proposed participant involved in the project area development has caused a
71 condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used
72 in the determination of blight.
73 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
74 tenant who later becomes a participant.

Legislative Review Note
Office of Legislative Research and General Counsel