

**Representative Mike Winder** proposes the following substitute bill:

**COMMUNITY REINVESTMENT AGENCY REVISIONS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Winder**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill amends provisions related to community reinvestment agencies.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
  - ▶ replaces the term "blight" with "development impediment";
  - ▶ beginning on May 14, 2019, prohibits an agency from creating a taxing entity committee for a community reinvestment project area;
  - ▶ requires an agency that allocates the agency's community reinvestment project area funds for housing to:
    - adopt a housing plan; or
    - implement the housing plan that the community that created the agency adopted;
- and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a coordination clause.



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **10-8-2**, as last amended by Laws of Utah 2014, Chapter 59
- 29 **10-9a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 30 **11-58-601**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 31 **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 32 **17-50-303**, as last amended by Laws of Utah 2014, Chapter 66
- 33 **17C-1-102**, as last amended by Laws of Utah 2018, Chapter 364
- 34 **17C-1-207**, as last amended by Laws of Utah 2018, Chapters 364 and 366
- 35 **17C-1-402**, as last amended by Laws of Utah 2018, Chapter 364
- 36 **17C-1-407**, as last amended by Laws of Utah 2016, Chapter 350
- 37 **17C-1-409**, as last amended by Laws of Utah 2018, Chapter 312
- 38 **17C-1-412**, as last amended by Laws of Utah 2018, Chapter 312
- 39 **17C-1-802**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 40 **17C-1-803**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 41 **17C-1-804**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 42 **17C-1-805**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 43 **17C-1-807**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 44 **17C-1-902**, as last amended by Laws of Utah 2018, Chapter 364
- 45 **17C-2-101.5**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 46 **17C-2-102**, as last amended by Laws of Utah 2016, Chapter 350
- 47 **17C-2-103**, as last amended by Laws of Utah 2016, Chapter 350
- 48 **17C-2-106**, as last amended by Laws of Utah 2016, Chapter 350
- 49 **17C-2-110**, as last amended by Laws of Utah 2018, Chapter 364
- 50 **17C-2-202**, as last amended by Laws of Utah 2007, Chapter 364
- 51 **17C-2-301**, as last amended by Laws of Utah 2008, Chapter 125
- 52 **17C-2-302**, as last amended by Laws of Utah 2007, Chapter 364
- 53 **17C-2-303**, as last amended by Laws of Utah 2016, Chapter 350
- 54 **17C-2-304**, as last amended by Laws of Utah 2007, Chapter 364
- 55 **17C-5-103**, as last amended by Laws of Utah 2017, Chapter 456
- 56 **17C-5-104**, as last amended by Laws of Utah 2018, Chapter 364

- 57 [17C-5-105](#), as last amended by Laws of Utah 2018, Chapter 364
- 58 [17C-5-108](#), as last amended by Laws of Utah 2018, Chapter 364
- 59 [17C-5-112](#), as last amended by Laws of Utah 2018, Chapter 364
- 60 [17C-5-202](#), as last amended by Laws of Utah 2017, Chapter 456
- 61 [17C-5-203](#), as last amended by Laws of Utah 2017, Chapter 456
- 62 [17C-5-401](#), as enacted by Laws of Utah 2016, Chapter 350
- 63 [17C-5-402](#), as last amended by Laws of Utah 2017, Chapter 456
- 64 [17C-5-403](#), as last amended by Laws of Utah 2017, Chapter 456
- 65 [17C-5-404](#), as enacted by Laws of Utah 2016, Chapter 350
- 66 [17C-5-405](#), as last amended by Laws of Utah 2018, Chapter 422
- 67 [17C-5-406](#), as enacted by Laws of Utah 2016, Chapter 350

**Utah Code Sections Affected by Coordination Clause:**

- 68 [17C-5-202](#), as last amended by Laws of Utah 2017, Chapter 456



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

72 Section 1. Section **10-8-2** is amended to read:

73 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**  
74 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

75 (1) (a) A municipal legislative body may:

76 (i) appropriate money for corporate purposes only;

77 (ii) provide for payment of debts and expenses of the corporation;

78 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and  
79 dispose of real and personal property for the benefit of the municipality, whether the property is  
80 within or without the municipality's corporate boundaries, if the action is in the public interest  
81 and complies with other law;

82 (iv) improve, protect, and do any other thing in relation to this property that an  
83 individual could do; and

84 (v) subject to Subsection (2) and after first holding a public hearing, authorize  
85 municipal services or other nonmonetary assistance to be provided to or waive fees required to  
86 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

87 (b) A municipality may:

88 (i) furnish all necessary local public services within the municipality;  
89 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities  
90 located and operating within and operated by the municipality; and  
91 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property  
92 located inside or outside the corporate limits of the municipality and necessary for any of the  
93 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,  
94 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

95 (c) Each municipality that intends to acquire property by eminent domain under  
96 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

97 (d) Subsection (1)(b) may not be construed to diminish any other authority a  
98 municipality may claim to have under the law to acquire by eminent domain property located  
99 inside or outside the municipality.

100 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to  
101 the provisions of Subsection (3).

102 (b) The total amount of services or other nonmonetary assistance provided or fees  
103 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the  
104 municipality's budget for that fiscal year.

105 (3) It is considered a corporate purpose to appropriate money for any purpose that, in  
106 the judgment of the municipal legislative body, provides for the safety, health, prosperity,  
107 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality  
108 subject ~~[to the following:]~~ to this Subsection (3).

109 (a) The net value received for any money appropriated shall be measured on a  
110 project-by-project basis over the life of the project.

111 (b) (i) ~~[The]~~ A municipal legislative body shall establish the criteria for a determination  
112 under this Subsection (3) ~~[shall be established by the municipality's legislative body. A~~  
113 ~~determination of value received, made by the municipality's legislative body, shall be].~~

114 (ii) A municipal legislative body's determination of value received is presumed valid  
115 unless [it can be shown] a person can show that the determination was arbitrary, capricious, or  
116 illegal.

117 (c) The municipality may consider intangible benefits received by the municipality in  
118 determining net value received.

119 (d) (i) ~~[Prior to]~~ Before the municipal legislative body ~~[making]~~ makes any decision to  
120 appropriate any funds for a corporate purpose under this section, ~~[a public hearing shall be~~  
121 ~~held]~~ the municipal legislative body shall hold a public hearing.

122 (ii) ~~[Notice of the hearing described in Subsection (3)(d)(i) shall be published]~~ The  
123 municipal legislative body shall publish a notice of the hearing described in Subsection  
124 (3)(d)(i):

125 (A) ~~[(H)]~~ in a newspaper of general circulation at least 14 days before the date of the  
126 hearing~~;~~ or, ~~[(H)]~~ if there is no newspaper of general circulation, by posting notice in at least  
127 three conspicuous places within the municipality for the same time period; and

128 (B) on the Utah Public Notice Website created in Section 63F-1-701, at least 14 days  
129 before the date of the hearing.

130 ~~[(e) A study shall be performed before notice of the public hearing is given and shall be~~  
131 ~~made available at the municipality for review by interested parties at least 14 days immediately~~  
132 ~~prior to the public hearing, setting forth an analysis and demonstrating the purpose for the~~  
133 ~~appropriation. In making the study, the following factors shall be considered:]~~

134 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the  
135 municipality shall perform a study that analyzes and demonstrates the purpose for an  
136 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

137 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at  
138 the municipality for review by interested parties at least 14 days immediately before the public  
139 hearing described in Subsection (3)(d)(i).

140 (iii) A municipality shall consider the following factors when conducting the study  
141 described in Subsection (3)(e)(i):

142 ~~[(i)]~~ (A) what identified benefit the municipality will receive in return for any money or  
143 resources appropriated;

144 ~~[(ii)]~~ (B) the municipality's purpose for the appropriation, including an analysis of the  
145 way the appropriation will be used to enhance the safety, health, prosperity, moral well-being,  
146 peace, order, comfort, or convenience of the inhabitants of the municipality; and

147 ~~[(iii)]~~ (C) whether the appropriation is necessary and appropriate to accomplish the  
148 reasonable goals and objectives of the municipality in the area of economic development, job  
149 creation, affordable housing, ~~[blight]~~ elimination of a development impediment, job

150 preservation, the preservation of historic structures and property, and any other public purpose.

151 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,  
152 to make an appropriation.

153 (ii) [~~The appeal shall be filed within 30 days after the date of that decision, to the~~  
154 ~~district court.~~] A person shall file an appeal as described in Subsection (3)(f)(i) with the district  
155 court within 30 days after the day on which the municipal legislative body makes a decision.

156 (iii) Any appeal shall be based on the record of the proceedings before the legislative  
157 body.

158 (iv) A decision of the municipal legislative body shall be presumed to be valid unless  
159 the appealing party shows that the decision was arbitrary, capricious, or illegal.

160 (g) The provisions of this Subsection (3) apply only to those appropriations made after  
161 May 6, 2002.

162 (h) This section applies only to appropriations not otherwise approved pursuant to Title  
163 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform  
164 Fiscal Procedures Act for Utah Cities.

165 (4) (a) Before a municipality may dispose of a significant parcel of real property, the  
166 municipality shall:

167 (i) provide reasonable notice of the proposed disposition at least 14 days before the  
168 opportunity for public comment under Subsection (4)(a)(ii); and

169 (ii) allow an opportunity for public comment on the proposed disposition.

170 (b) Each municipality shall, by ordinance, define what constitutes:

171 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

172 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

173 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire  
174 real property for the purpose of expanding the municipality's infrastructure or other facilities  
175 used for providing services that the municipality offers or intends to offer shall provide written  
176 notice, as provided in this Subsection (5), of its intent to acquire the property if:

177 (i) the property is located:

178 (A) outside the boundaries of the municipality; and

179 (B) in a county of the first or second class; and

180 (ii) the intended use of the property is contrary to:

181 (A) the anticipated use of the property under the general plan of the county in whose  
182 unincorporated area or the municipality in whose boundaries the property is located; or

183 (B) the property's current zoning designation.

184 (b) Each notice under Subsection (5)(a) shall:

185 (i) indicate that the municipality intends to acquire real property;

186 (ii) identify the real property; and

187 (iii) be sent to:

188 (A) each county in whose unincorporated area and each municipality in whose

189 boundaries the property is located; and

190 (B) each affected entity.

191 (c) A notice under this Subsection (5) is a protected record as provided in Subsection  
192 [63G-2-305](#)(8).

193 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality  
194 previously provided notice under Section [10-9a-203](#) identifying the general location within the  
195 municipality or unincorporated part of the county where the property to be acquired is located.

196 (ii) If a municipality is not required to comply with the notice requirement of  
197 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide  
198 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real  
199 property.

200 Section 2. Section **10-9a-403** is amended to read:

201 **10-9a-403. General plan preparation.**

202 (1) (a) The planning commission shall provide notice, as provided in Section  
203 [10-9a-203](#), of its intent to make a recommendation to the municipal legislative body for a  
204 general plan or a comprehensive general plan amendment when the planning commission  
205 initiates the process of preparing its recommendation.

206 (b) The planning commission shall make and recommend to the legislative body a  
207 proposed general plan for the area within the municipality.

208 (c) The plan may include areas outside the boundaries of the municipality if, in the  
209 planning commission's judgment, those areas are related to the planning of the municipality's  
210 territory.

211 (d) Except as otherwise provided by law or with respect to a municipality's power of

212 eminent domain, when the plan of a municipality involves territory outside the boundaries of  
213 the municipality, the municipality may not take action affecting that territory without the  
214 concurrence of the county or other municipalities affected.

215 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
216 and descriptive and explanatory matter, shall include the planning commission's  
217 recommendations for the following plan elements:

218 (i) a land use element that:

219 (A) designates the long-term goals and the proposed extent, general distribution, and  
220 location of land for housing, business, industry, agriculture, recreation, education, public  
221 buildings and grounds, open space, and other categories of public and private uses of land as  
222 appropriate; and

223 (B) may include a statement of the projections for and standards of population density  
224 and building intensity recommended for the various land use categories covered by the plan;

225 (ii) a transportation and traffic circulation element consisting of the general location  
226 and extent of existing and proposed freeways, arterial and collector streets, mass transit, and  
227 any other modes of transportation that the planning commission considers appropriate, all  
228 correlated with the population projections and the proposed land use element of the general  
229 plan; and

230 (iii) for a municipality described in Subsection [10-9a-401\(3\)\(b\)](#), a plan that provides a  
231 realistic opportunity to meet the need for additional moderate income housing.

232 (b) In drafting the moderate income housing element, the planning commission:

233 (i) shall consider the Legislature's determination that municipalities shall facilitate a  
234 reasonable opportunity for a variety of housing, including moderate income housing:

235 (A) to meet the needs of people desiring to live in the community; and

236 (B) to allow persons with moderate incomes to benefit from and fully participate in all  
237 aspects of neighborhood and community life; and

238 (ii) for a town, may include, and for other municipalities, shall include, an analysis of  
239 why the recommended means, techniques, or combination of means and techniques provide a  
240 realistic opportunity for the development of moderate income housing within the next five  
241 years, which means or techniques may include a recommendation to:

242 (A) rezone for densities necessary to assure the production of moderate income



243 housing;

244 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the  
245 construction of moderate income housing;

246 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate  
247 income housing;

248 (D) consider general fund subsidies to waive construction related fees that are  
249 otherwise generally imposed by the city;

250 (E) consider utilization of state or federal funds or tax incentives to promote the  
251 construction of moderate income housing;

252 (F) consider utilization of programs offered by the Utah Housing Corporation within  
253 that agency's funding capacity;

254 (G) consider utilization of affordable housing programs administered by the  
255 Department of Workforce Services; and

256 (H) consider utilization of programs administered by an association of governments  
257 established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

258 (c) In drafting the land use element, the planning commission shall:

259 (i) identify and consider each agriculture protection area within the municipality; and

260 (ii) avoid proposing a use of land within an agriculture protection area that is  
261 inconsistent with or detrimental to the use of the land for agriculture.

262 (3) The proposed general plan may include:

263 (a) an environmental element that addresses:

264 (i) the protection, conservation, development, and use of natural resources, including  
265 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,  
266 and other natural resources; and

267 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
268 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
269 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
270 protection of watersheds and wetlands, and the mapping of known geologic hazards;

271 (b) a public services and facilities element showing general plans for sewage, water,  
272 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
273 police and fire protection, and other public services;

274 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
275 programs for:

276 (i) historic preservation;

277 (ii) the diminution or elimination of [blight] a development impediment as defined in  
278 Section 17C-1-102; and

279 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
280 public building sites;

281 (d) an economic element composed of appropriate studies and forecasts, as well as an  
282 economic development plan, which may include review of existing and projected municipal  
283 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
284 primary and secondary market areas, employment, and retail sales activity;

285 (e) recommendations for implementing all or any portion of the general plan, including  
286 the use of land use ordinances, capital improvement plans, community development and  
287 promotion, and any other appropriate action;

288 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);  
289 and

290 (g) any other element the municipality considers appropriate.

291 Section 3. Section 11-58-601 is amended to read:

292 **11-58-601. Port authority receipt and use of property tax differential --**  
293 **Distribution of property tax differential.**

294 (1) (a) The authority may:

295 (i) subject to Subsections (1)(b), (c), and (d), receive up to 100% of the property tax  
296 differential for a period ending up to 25 years after a certificate of occupancy is issued with  
297 respect to improvements on a parcel, as determined by the board and as provided in this part;  
298 and

299 (ii) use the property tax differential during and after the period described in Subsection  
300 (1)(a)(i).

301 (b) With respect to a parcel located within a project area, the 25-year period described  
302 in Subsection (1)(a)(i) begins on the day on which the authority receives the first property tax  
303 differential from that parcel.

304 (c) The authority may not receive property tax differential from an area included within

305 a community reinvestment project area[~~, as defined in Section 17C-1-102,~~] under a community  
306 reinvestment project area plan, as defined in Section 17C-1-102, adopted before March 1,  
307 2018, from a taxing entity that has, before March 1, 2018, entered into a fully executed, legally  
308 binding agreement under which the taxing entity agrees to the use of its tax increment, as  
309 defined in Section 17C-1-102, under the community reinvestment project area plan.

310 (d) The authority shall pay to a community reinvestment agency 10% of the property  
311 tax differential generated from land located within that community reinvestment agency, to be  
312 used for affordable housing as provided in Section 17C-1-412.

313 (2) A county that collects property tax on property within a project area shall pay and  
314 distribute to the authority the property tax differential that the authority is entitled to collect  
315 under this title, in the manner and at the time provided in Section 59-2-1365.

316 (3) (a) The board shall determine by resolution when the entire project area or an  
317 individual parcel within a project area is subject to property tax differential.

318 (b) The board shall amend the project area budget to reflect whether a parcel within a  
319 project area is subject to property tax differential.

320 Section 4. Section 17-27a-403 is amended to read:

321 **17-27a-403. Plan preparation.**

322 (1) (a) The planning commission shall provide notice, as provided in Section  
323 17-27a-203, of its intent to make a recommendation to the county legislative body for a general  
324 plan or a comprehensive general plan amendment when the planning commission initiates the  
325 process of preparing its recommendation.

326 (b) The planning commission shall make and recommend to the legislative body a  
327 proposed general plan for:

328 (i) the unincorporated area within the county; or

329 (ii) if the planning commission is a planning commission for a mountainous planning  
330 district, the mountainous planning district.

331 (c) (i) The plan may include planning for incorporated areas if, in the planning  
332 commission's judgment, they are related to the planning of the unincorporated territory or of  
333 the county as a whole.

334 (ii) Elements of the county plan that address incorporated areas are not an official plan  
335 or part of a municipal plan for any municipality, unless it is recommended by the municipal

336 planning commission and adopted by the governing body of the municipality.

337 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous  
338 planning district, the plan for the mountainous planning district controls and precedes a  
339 municipal plan, if any, to which the property would be subject.

340 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
341 and descriptive and explanatory matter, shall include the planning commission's  
342 recommendations for the following plan elements:

343 (i) a land use element that:

344 (A) designates the long-term goals and the proposed extent, general distribution, and  
345 location of land for housing, business, industry, agriculture, recreation, education, public  
346 buildings and grounds, open space, and other categories of public and private uses of land as  
347 appropriate; and

348 (B) may include a statement of the projections for and standards of population density  
349 and building intensity recommended for the various land use categories covered by the plan;

350 (ii) a transportation and traffic circulation element consisting of the general location  
351 and extent of existing and proposed freeways, arterial and collector streets, mass transit, and  
352 any other modes of transportation that the planning commission considers appropriate, all  
353 correlated with the population projections and the proposed land use element of the general  
354 plan;

355 (iii) a plan for the development of additional moderate income housing within the  
356 unincorporated area of the county or the mountainous planning district, and a plan to provide a  
357 realistic opportunity to meet the need for additional moderate income housing; and

358 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,  
359 and policies required by Subsection [17-27a-401\(3\)](#).

360 (b) In drafting the moderate income housing element, the planning commission:

361 (i) shall consider the Legislature's determination that counties should facilitate a  
362 reasonable opportunity for a variety of housing, including moderate income housing:

363 (A) to meet the needs of people desiring to live there; and

364 (B) to allow persons with moderate incomes to benefit from and fully participate in all  
365 aspects of neighborhood and community life; and

366 (ii) shall include an analysis of why the recommended means, techniques, or

367 combination of means and techniques provide a realistic opportunity for the development of  
368 moderate income housing within the planning horizon, which means or techniques may include  
369 a recommendation to:

370 (A) rezone for densities necessary to assure the production of moderate income  
371 housing;

372 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the  
373 construction of moderate income housing;

374 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate  
375 income housing;

376 (D) consider county general fund subsidies to waive construction related fees that are  
377 otherwise generally imposed by the county;

378 (E) consider utilization of state or federal funds or tax incentives to promote the  
379 construction of moderate income housing;

380 (F) consider utilization of programs offered by the Utah Housing Corporation within  
381 that agency's funding capacity; and

382 (G) consider utilization of affordable housing programs administered by the  
383 Department of Workforce Services.

384 (c) In drafting the land use element, the planning commission shall:

385 (i) identify and consider each agriculture protection area within the unincorporated area  
386 of the county or mountainous planning district; and

387 (ii) avoid proposing a use of land within an agriculture protection area that is  
388 inconsistent with or detrimental to the use of the land for agriculture.

389 (3) The proposed general plan may include:

390 (a) an environmental element that addresses:

391 (i) to the extent not covered by the county's resource management plan, the protection,  
392 conservation, development, and use of natural resources, including the quality of air, forests,  
393 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;  
394 and

395 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
396 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
397 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,

398 protection of watersheds and wetlands, and the mapping of known geologic hazards;

399 (b) a public services and facilities element showing general plans for sewage, water,  
400 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
401 police and fire protection, and other public services;

402 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
403 programs for:

404 (i) historic preservation;

405 (ii) the diminution or elimination of [blight] a development impediment as defined in  
406 Section 17C-1-102; and

407 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
408 public building sites;

409 (d) an economic element composed of appropriate studies and forecasts, as well as an  
410 economic development plan, which may include review of existing and projected county  
411 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
412 primary and secondary market areas, employment, and retail sales activity;

413 (e) recommendations for implementing all or any portion of the general plan, including  
414 the use of land use ordinances, capital improvement plans, community development and  
415 promotion, and any other appropriate action;

416 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or  
417 (3)(a)(i); and

418 (g) any other element the county considers appropriate.

419 Section 5. Section 17-50-303 is amended to read:

420 **17-50-303. County may not give or lend credit -- County may borrow in**  
421 **anticipation of revenues -- Assistance to nonprofit and private entities.**

422 (1) A county may not give or lend its credit to or in aid of any person or corporation,  
423 or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

424 (2) (a) A county may borrow money in anticipation of the collection of taxes and other  
425 county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local  
426 Government Bonding Act.

427 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which  
428 funds of the county may be expended.

429 (3) (a) A county may appropriate money to or provide nonmonetary assistance to a  
430 nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of  
431 the county legislative body, the assistance contributes to the safety, health, prosperity, moral  
432 well-being, peace, order, comfort, or convenience of county residents.

433 (b) A county may appropriate money to a nonprofit entity from the county's own funds  
434 or from funds the county receives from the state or any other source.

435 (4) (a) As used in this Subsection (4):

436 (i) "Private enterprise" means a person that engages in an activity for profit.

437 (ii) "Project" means an activity engaged in by a private enterprise.

438 (b) A county may appropriate money in aid of a private enterprise project if:

439 (i) subject to Subsection (4)(c), the county receives value in return for the money  
440 appropriated; and

441 (ii) in the judgment of the county legislative body, the private enterprise project  
442 provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or  
443 convenience of the county residents.

444 (c) The county shall measure the net value received by the county for money  
445 appropriated by the county to a private entity on a project-by-project basis over the life of the  
446 project.

447 (d) (i) Before a county legislative body may appropriate funds in aid of a private  
448 enterprise project under this Subsection (4), the county legislative body shall:

449 (A) adopt by ordinance criteria to determine what value, if any, the county will receive  
450 in return for money appropriated under this Subsection (4);

451 (B) conduct a study as described in Subsection (4)(e) on the proposed appropriation  
452 and private enterprise project; and

453 (C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed  
454 appropriation and the private enterprise project.

455 (ii) The county legislative body may consider an intangible benefit as a value received  
456 by the county.

457 (e) (i) Before publishing or posting notice in accordance with Subsection (4)(f), the  
458 county shall study:

459 (A) any value the county will receive in return for money or resources appropriated to a

460 private entity;

461 (B) the county's purpose for the appropriation, including an analysis of the way the  
462 appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace,  
463 order, comfort, or convenience of the county residents; and

464 (C) whether the appropriation is necessary and appropriate to accomplish the  
465 reasonable goals and objectives of the county in the area of economic development, job  
466 creation, affordable housing, ~~blight~~ elimination of a development impediment, as defined in  
467 Section 17C-1-102, job preservation, the preservation of historic structures, analyzing and  
468 improving county government structure or property, or any other public purpose.

469 (ii) The county shall:

470 (A) prepare a written report of the results of the study; and

471 (B) make the report available to the public at least 14 days immediately prior to the  
472 scheduled day of the public hearing described in Subsection (4)(d)(i)(C).

473 (f) The county shall publish notice of the public hearing required in Subsection  
474 (4)(d)(i)(C):

475 (i) in a newspaper of general circulation at least 14 days before the date of the hearing  
476 or, if there is no newspaper of general circulation, by posting notice in at least three  
477 conspicuous places within the county for the same time period; and

478 (ii) on the Utah Public Notice Website created in Section 63F-1-701, at least 14 days  
479 before the date of the hearing.

480 (g) (i) A person may appeal the decision of the county legislative body to appropriate  
481 funds under this Subsection (4).

482 (ii) A person shall file an appeal with the district court within 30 days after the day on  
483 which the legislative body adopts an ordinance or approves a budget to appropriate the funds.

484 (iii) A court shall:

485 (A) presume that an ordinance adopted or appropriation made under this Subsection (4)  
486 is valid; and

487 (B) determine only whether the ordinance or appropriation is arbitrary, capricious, or  
488 illegal.

489 (iv) A determination of illegality requires a determination that the decision or  
490 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the



491 ordinance was adopted.

492 (v) The district court's review is limited to:

493 (A) a review of the criteria adopted by the county legislative body under Subsection  
494 (4)(d)(i)(A);

495 (B) the record created by the county legislative body at the public hearing described in  
496 Subsection (4)(d)(i)(C); and

497 (C) the record created by the county in preparation of the study and the study itself as  
498 described in Subsection (4)(e).

499 (vi) If there is no record, the court may call witnesses and take evidence.

500 (h) This section applies only to an appropriation not otherwise approved in accordance  
501 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

502 Section 6. Section **17C-1-102** is amended to read:

503 **17C-1-102. Definitions.**

504 As used in this title:

505 (1) "Active project area" means a project area that has not been dissolved in accordance  
506 with Section [17C-1-702](#).

507 (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%,  
508 that an agency is authorized to receive:

509 (a) for a pre-July 1, 1993, project area plan, under Section [17C-1-403](#), excluding tax  
510 increment under Subsection [17C-1-403](#)(3);

511 (b) for a post-June 30, 1993, project area plan, under Section [17C-1-404](#), excluding tax  
512 increment under Section [17C-1-406](#);

513 (c) under a project area budget approved by a taxing entity committee; or

514 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's  
515 tax increment.

516 (3) "Affordable housing" means housing owned or occupied by a low or moderate  
517 income family, as determined by resolution of the agency.

518 (4) "Agency" or "community reinvestment agency" means a separate body corporate  
519 and politic, created under Section [17C-1-201.5](#) or as a redevelopment agency or community  
520 development and renewal agency under previous law:

521 (a) that is a political subdivision of the state;

522 (b) that is created to undertake or promote project area development as provided in this  
523 title; and

524 (c) whose geographic boundaries are coterminous with:

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

526 (ii) for an agency created by a municipality, the boundaries of the municipality.

527 (5) "Agency funds" means money that an agency collects or receives for agency  
528 operations, implementing a project area plan, or other agency purposes, including:

529 (a) project area funds;

530 (b) income, proceeds, revenue, or property derived from or held in connection with the  
531 agency's undertaking and implementation of project area development; or

532 (c) a contribution, loan, grant, or other financial assistance from any public or private  
533 source.

534 (6) "Annual income" means the same as that term is defined in regulations of the  
535 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as  
536 amended or as superseded by replacement regulations.

537 (7) "Assessment roll" means the same as that term is defined in Section [59-2-102](#).

538 (8) "Base taxable value" means, unless otherwise adjusted in accordance with  
539 provisions of this title, a property's taxable value as shown upon the assessment roll last  
540 equalized during the base year.

541 (9) "Base year" means, except as provided in Subsection [17C-1-402\(4\)\(c\)](#), the year  
542 during which the assessment roll is last equalized:

543 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,  
544 before the project area plan's effective date;

545 (b) for a post-June 30, 1993, urban renewal or economic development project area  
546 plan, or a community reinvestment project area plan that is subject to a taxing entity  
547 committee:

548 (i) before the date on which the taxing entity committee approves the project area  
549 budget; or

550 (ii) if taxing entity committee approval is not required for the project area budget,  
551 before the date on which the community legislative body adopts the project area plan;

552 (c) for a project on an inactive airport site, after the later of:

553 (i) the date on which the inactive airport site is sold for remediation and development;  
554 or

555 (ii) the date on which the airport that operated on the inactive airport site ceased  
556 operations; or

557 (d) for a community development project area plan or a community reinvestment  
558 project area plan that is subject to an interlocal agreement, as described in the interlocal  
559 agreement.

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

562 [~~(11) "Blight" or "blighted" means the condition of an area that meets the requirements  
563 described in Subsection 17C-2-303(1) for an urban renewal project area or Section 17C-5-405  
564 for a community reinvestment project area.~~]

565 [~~(12) "Blight hearing" means a public hearing regarding whether blight exists within a  
566 proposed.~~]

567 [~~(a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section  
568 17C-2-302; or~~]

569 [~~(b) community reinvestment project area under Section 17C-5-405.~~]

570 [~~(13) "Blight study" means a study to determine whether blight exists within a survey  
571 area as described in Section 17C-2-301 for an urban renewal project area or Section 17C-5-403  
572 for a community reinvestment project area.~~]

573 [~~(14)~~] (11) "Board" means the governing body of an agency, as described in Section  
574 17C-1-203.

575 [~~(15)~~] (12) "Budget hearing" means the public hearing on a proposed project area  
576 budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget,  
577 Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection  
578 17C-5-302(2)(e) for a community reinvestment project area budget.

579 [~~(16)~~] (13) "Closed military base" means land within a former military base that the  
580 Defense Base Closure and Realignment Commission has voted to close or realign when that  
581 action has been sustained by the president of the United States and Congress.

582 [~~(17)~~] (14) "Combined incremental value" means the combined total of all incremental  
583 values from all project areas, except project areas that contain some or all of a military

584 installation or inactive industrial site, within the agency's boundaries under project area plans  
585 and project area budgets at the time that a project area budget for a new project area is being  
586 considered.

587 ~~[(18)]~~ (15) "Community" means a county or municipality.

588 ~~[(19)]~~ (16) "Community development project area plan" means a project area plan  
589 adopted under Chapter 4, Part 1, Community Development Project Area Plan.

590 ~~[(20)]~~ (17) "Community legislative body" means the legislative body of the community  
591 that created the agency.

592 ~~[(21)]~~ (18) "Community reinvestment project area plan" means a project area plan  
593 adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

594 ~~[(22)]~~ (19) "Contest" means to file a written complaint in the district court of the  
595 county in which the agency is located.

596 (20) "Development impediment" means a condition of an area that meets the  
597 requirements described in Section [17C-2-303](#) for an urban renewal project area or Section  
598 [17C-5-405](#) for a community reinvestment project area.

599 (21) "Development impediment hearing" means a public hearing regarding whether a  
600 development impediment exists within a proposed:

601 (a) urban renewal project area under Subsection [17C-2-102\(1\)\(a\)\(i\)\(C\)](#) and Section  
602 [17C-2-302](#); or

603 (b) community reinvestment project area under Section [17C-5-404](#).

604 (22) "Development impediment study" means a study to determine whether a  
605 development impediment exists within a survey area as described in Section [17C-2-301](#) for an  
606 urban renewal project area or Section [17C-5-403](#) for a community reinvestment project area.

607 (23) "Economic development project area plan" means a project area plan adopted  
608 under Chapter 3, Part 1, Economic Development Project Area Plan.

609 (24) "Fair share ratio" means the ratio derived by:

610 (a) for a municipality, comparing the percentage of all housing units within the  
611 municipality that are publicly subsidized income targeted housing units to the percentage of all  
612 housing units within the county in which the municipality is located that are publicly  
613 subsidized income targeted housing units; or

614 (b) for the unincorporated part of a county, comparing the percentage of all housing

615 units within the unincorporated county that are publicly subsidized income targeted housing  
616 units to the percentage of all housing units within the whole county that are publicly subsidized  
617 income targeted housing units.

618 (25) "Family" means the same as that term is defined in regulations of the United  
619 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended  
620 or as superseded by replacement regulations.

621 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

622 (27) "Hazardous waste" means any substance defined, regulated, or listed as a  
623 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,  
624 or toxic substance, or identified as hazardous to human health or the environment, under state  
625 or federal law or regulation.

626 (28) "Housing allocation" means project area funds allocated for housing under Section  
627 [17C-2-203](#), [17C-3-202](#), or [17C-5-307](#) for the purposes described in Section [17C-1-412](#).

628 (29) "Housing fund" means a fund created by an agency for purposes described in  
629 Section [17C-1-411](#) or [17C-1-412](#) that is comprised of:

630 (a) project area funds allocated for the purposes described in Section [17C-1-411](#); or

631 (b) an agency's housing allocation.

632 (30) (a) "Inactive airport site" means land that:

633 (i) consists of at least 100 acres;

634 (ii) is occupied by an airport:

635 (A) (I) that is no longer in operation as an airport; or

636 (II) (Aa) that is scheduled to be decommissioned; and

637 (Bb) for which a replacement commercial service airport is under construction; and

638 (B) that is owned or was formerly owned and operated by a public entity; and

639 (iii) requires remediation because:

640 (A) of the presence of hazardous waste or solid waste; or

641 (B) the site lacks sufficient public infrastructure and facilities, including public roads,  
642 electric service, water system, and sewer system, needed to support development of the site.

643 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land  
644 described in Subsection (30)(a).

645 (31) (a) "Inactive industrial site" means land that:

646 (i) consists of at least 1,000 acres;  
647 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial  
648 facility; and

649 (iii) requires remediation because of the presence of hazardous waste or solid waste.

650 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land  
651 described in Subsection (31)(a).

652 (32) "Income targeted housing" means housing that is owned or occupied by a family  
653 whose annual income is at or below 80% of the median annual income for a family within the  
654 county in which the housing is located.

655 (33) "Incremental value" means a figure derived by multiplying the marginal value of  
656 the property located within a project area on which tax increment is collected by a number that  
657 represents the adjusted tax increment from that project area that is paid to the agency.

658 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,  
659 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

660 (35) (a) "Local government building" means a building owned and operated by a  
661 community for the primary purpose of providing one or more primary community functions,  
662 including:

- 663 (i) a fire station;
- 664 (ii) a police station;
- 665 (iii) a city hall; or
- 666 (iv) a court or other judicial building.

667 (b) "Local government building" does not include a building the primary purpose of  
668 which is cultural or recreational in nature.

669 (36) "Marginal value" means the difference between actual taxable value and base  
670 taxable value.

671 (37) "Military installation project area" means a project area or a portion of a project  
672 area located within a federal military installation ordered closed by the federal Defense Base  
673 Realignment and Closure Commission.

674 (38) "Municipality" means a city, town, or metro township as defined in Section  
675 [10-2a-403](#).

676 (39) "Participant" means one or more persons that enter into a participation agreement

677 with an agency.

678 (40) "Participation agreement" means a written agreement between a person and an  
679 agency that:

680 (a) includes a description of:

681 (i) the project area development that the person will undertake;

682 (ii) the amount of project area funds the person may receive; and

683 (iii) the terms and conditions under which the person may receive project area funds;

684 and

685 (b) is approved by resolution of the board.

686 (41) "Plan hearing" means the public hearing on a proposed project area plan required  
687 under Subsection [17C-2-102\(1\)\(a\)\(vi\)](#) for an urban renewal project area plan, Subsection  
688 [17C-3-102\(1\)\(d\)](#) for an economic development project area plan, Subsection [17C-4-102\(1\)\(d\)](#)  
689 for a community development project area plan, or Subsection [17C-5-104\(3\)\(e\)](#) for a  
690 community reinvestment project area plan.

691 (42) "Post-June 30, 1993, project area plan" means a project area plan adopted on or  
692 after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project  
693 area plan's adoption.

694 (43) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July  
695 1, 1993, whether or not amended subsequent to the project area plan's adoption.

696 (44) "Private," with respect to real property, means property not owned by a public  
697 entity or any other governmental entity.

698 (45) "Project area" means the geographic area described in a project area plan within  
699 which the project area development described in the project area plan takes place or is  
700 proposed to take place.

701 (46) "Project area budget" means a multiyear projection of annual or cumulative  
702 revenues and expenses and other fiscal matters pertaining to a project area prepared in  
703 accordance with:

704 (a) for an urban renewal project area, Section [~~17C-2-202~~] [17C-2-201](#);

705 (b) for an economic development project area, Section [~~17C-3-202~~] [17C-3-201](#);

706 (c) for a community development project area, Section [17C-4-204](#); or

707 (d) for a community reinvestment project area, Section [17C-5-302](#).

708 (47) "Project area development" means activity within a project area that, as  
709 determined by the board, encourages, promotes, or provides development or redevelopment for  
710 the purpose of implementing a project area plan, including:

711 (a) promoting, creating, or retaining public or private jobs within the state or a  
712 community;

713 (b) providing office, manufacturing, warehousing, distribution, parking, or other  
714 facilities or improvements;

715 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or  
716 remediating environmental issues;

717 (d) providing residential, commercial, industrial, public, or other structures or spaces,  
718 including recreational and other facilities incidental or appurtenant to the structures or spaces;

719 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating  
720 existing structures;

721 (f) providing open space, including streets or other public grounds or space around  
722 buildings;

723 (g) providing public or private buildings, infrastructure, structures, or improvements;

724 (h) relocating a business;

725 (i) improving public or private recreation areas or other public grounds;

726 (j) eliminating [~~blight~~] a development impediment or the causes of [~~blight~~] a  
727 development impediment;

728 (k) redevelopment as defined under the law in effect before May 1, 2006; or

729 (l) any activity described in this Subsection (47) outside of a project area that the board  
730 determines to be a benefit to the project area.

731 (48) "Project area funds" means tax increment or sales and use tax revenue that an  
732 agency receives under a project area budget adopted by a taxing entity committee or an  
733 interlocal agreement.

734 (49) "Project area funds collection period" means the period of time that:

735 (a) begins the day on which the first payment of project area funds is distributed to an  
736 agency under a project area budget approved by a taxing entity committee or an interlocal  
737 agreement; and

738 (b) ends the day on which the last payment of project area funds is distributed to an



739 agency under a project area budget approved by a taxing entity committee or an interlocal  
740 agreement.

741 (50) "Project area plan" means an urban renewal project area plan, an economic  
742 development project area plan, a community development project area plan, or a community  
743 reinvestment project area plan that, after the project area plan's effective date, guides and  
744 controls the project area development.

745 (51) (a) "Property tax" means each levy on an ad valorem basis on tangible or  
746 intangible personal or real property.

747 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege  
748 Tax.

749 (52) "Public entity" means:

750 (a) the United States, including an agency of the United States;

751 (b) the state, including any of the state's departments or agencies; or

752 (c) a political subdivision of the state, including a county, municipality, school district,  
753 local district, special service district, community reinvestment agency, or interlocal cooperation  
754 entity.

755 (53) "Publicly owned infrastructure and improvements" means water, sewer, storm  
756 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,  
757 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or  
758 other facilities, infrastructure, and improvements benefitting the public and to be publicly  
759 owned or publicly maintained or operated.

760 (54) "Record property owner" or "record owner of property" means the owner of real  
761 property, as shown on the records of the county in which the property is located, to whom the  
762 property's tax notice is sent.

763 (55) "Sales and use tax revenue" means revenue that is:

764 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;

765 and

766 (b) distributed to a taxing entity in accordance with Sections [59-12-204](#) and [59-12-205](#).

767 (56) "Superfund site":

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

770 (b) includes an area formerly included in the National Priorities List, as described in  
771 Subsection (56)(a), but removed from the list following remediation that leaves on site the  
772 waste that caused the area to be included in the National Priorities List.

773 (57) "Survey area" means a geographic area designated for study by a survey area  
774 resolution to determine whether:

775 (a) one or more project areas within the survey area are feasible; or

776 (b) ~~blight~~ a development impediment exists within the survey area.

777 (58) "Survey area resolution" means a resolution adopted by a board that designates a  
778 survey area.

779 (59) "Taxable value" means:

780 (a) the taxable value of all real property a county assessor assesses in accordance with  
781 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

782 (b) the taxable value of all real and personal property the commission assesses in  
783 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

784 (c) the year end taxable value of all personal property a county assessor assesses in  
785 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's  
786 tax rolls of the taxing entity.

787 (60) (a) "Tax increment" means the difference between:

788 (i) the amount of property tax revenue generated each tax year by a taxing entity from  
789 the area within a project area designated in the project area plan as the area from which tax  
790 increment is to be collected, using the current assessed value of the property; and

791 (ii) the amount of property tax revenue that would be generated from that same area  
792 using the base taxable value of the property.

793 (b) "Tax increment" does not include taxes levied and collected under Section  
794 [59-2-1602](#) on or after January 1, 1994, upon the taxable property in the project area unless:

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

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

799 (61) "Taxing entity" means a public entity that:

800 (a) levies a tax on property located within a project area; or

801 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

802 (62) "Taxing entity committee" means a committee representing the interests of taxing  
803 entities, created in accordance with Section 17C-1-402.

804 (63) "Unincorporated" means not within a municipality.

805 (64) "Urban renewal project area plan" means a project area plan adopted under  
806 Chapter 2, Part 1, Urban Renewal Project Area Plan.

807 Section 7. Section 17C-1-207 is amended to read:

808 **17C-1-207. Public entities may assist with project area development.**

809 (1) In order to assist and cooperate in the planning, undertaking, construction, or  
810 operation of project area development within an area in which the public entity is authorized to  
811 act, a public entity may:

812 (a) (i) provide or cause to be furnished:

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

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

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

816 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or  
817 replan streets, roads, roadways, alleys, sidewalks, or other places;

818 (iii) in any part of the project area:

819 (A) (I) plan or replan any property within the project area;

820 (II) plat or replat any property within the project area;

821 (III) vacate a plat;

822 (IV) amend a plat; or

823 (V) zone or rezone any property within the project area; and

824 (B) make any legal exceptions from building regulations and ordinances;

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

827 (v) notwithstanding any law to the contrary, enter into an agreement for a period of  
828 time with another public entity concerning action to be taken pursuant to any of the powers  
829 granted in this title;

830 (vi) do anything necessary to aid or cooperate in the planning or implementation of the  
831 project area development;

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

835 (viii) lend, grant, or contribute funds to an agency for project area development or  
836 proposed project area development, including assigning revenue or taxes in support of an  
837 agency bond or obligation; and

838 (b) for less than fair market value or for no consideration, and subject to Subsection  
839 (3):

840 (i) purchase or otherwise acquire property from an agency;

841 (ii) lease property from an agency;

842 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to  
843 an agency; or

844 (iv) lease the public entity's property to an agency.

845 (2) The following are not subject to [~~Sections~~] Section 10-8-2 [~~or~~], 17-50-312, or  
846 17-50-303:

847 (a) project area development assistance that a public entity provides under this section;  
848 or

849 (b) a transfer of funds or property from an agency to a public entity.

850 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner  
851 than 15 days after the day on which the public entity posts notice of the assistance on:

852 (a) the Utah Public Notice Website described in Section 63F-1-701; and

853 (b) the public entity's public website.

854 Section 8. Section **17C-1-402** is amended to read:

855 **17C-1-402. Taxing entity committee.**

856 (1) The provisions of this section apply to a taxing entity committee that is created by  
857 an agency for:

858 (a) a post-June 30, 1993, urban renewal project area plan or economic development  
859 project area plan;

860 (b) any other project area plan adopted before May 10, 2016, for which the agency  
861 created a taxing entity committee; and

862 (c) a community reinvestment project area plan adopted before May 14, 2019, that is

863 subject to a taxing entity committee.

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

865 (A) two school district representatives appointed in accordance with Subsection  
866 (2)(a)(ii);

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

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

872 (C) if the agency is created by a municipality, two representatives appointed by  
873 resolution of the legislative body of the municipality;

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

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

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

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

883 (b) (i) Each taxing entity committee representative described in Subsection (2)(a) shall  
884 be appointed within 30 days after the day on which the agency provides notice of the creation  
885 of the taxing entity committee.

886 (ii) If a representative is not appointed within the time required under Subsection  
887 (2)(b)(i), the board may appoint an individual to serve on the taxing entity committee in the  
888 place of the missing representative until that representative is appointed.

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

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

893 (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether

894 an initial appointment or an appointment to replace an already serving representative, the  
895 appointing authority shall:

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

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

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

903 (3) At a taxing entity committee's first meeting, the taxing entity committee shall adopt  
904 an organizing resolution that:

905 (a) designates a chair and a secretary of the taxing entity committee; and

906 (b) if the taxing entity committee considers it appropriate, governs the use of electronic  
907 meetings under Section [52-4-207](#).

908 (4) (a) A taxing entity committee represents all taxing entities regarding:

909 (i) an urban renewal project area plan;

910 (ii) an economic development project area plan; or

911 (iii) a community reinvestment project area plan that is subject to a taxing entity  
912 committee.

913 (b) A taxing entity committee may:

914 (i) cast votes that are binding on all taxing entities;

915 (ii) negotiate with the agency concerning a proposed project area plan;

916 (iii) approve or disapprove:

917 (A) an urban renewal project area budget as described in Section [17C-2-204](#);

918 (B) an economic development project area budget as described in Section [17C-3-203](#);

919 or

920 (C) for a community reinvestment project area plan that is subject to a taxing entity  
921 committee, a community reinvestment project area budget as described in Section [17C-5-302](#);

922 (iv) approve or disapprove an amendment to a project area budget as described in  
923 Section [17C-2-206](#), [17C-3-205](#), or [17C-5-306](#);

924 (v) approve an exception to the limits on the value and size of a project area imposed

925 under this title;

926 (vi) approve:

927 (A) an exception to the percentage of tax increment to be paid to the agency;

928 (B) except for a project area funds collection period that is approved by an interlocal  
929 agreement, each project area funds collection period; and

930 (C) an exception to the requirement for an urban renewal project area budget, an  
931 economic development project area budget, or a community reinvestment project area budget  
932 to include a maximum cumulative dollar amount of tax increment that the agency may receive;

933 (vii) approve the use of tax increment for publicly owned infrastructure and  
934 improvements outside of a project area that the agency and community legislative body  
935 determine to be of benefit to the project area, as described in Subsection

936 [17C-1-409\(1\)\(a\)\(iii\)\(D\)](#);

937 (viii) waive the restrictions described in Subsection [17C-2-202\(1\)](#);

938 (ix) subject to Subsection (4)(c), designate the base taxable value for a project area  
939 budget; and

940 (x) give other taxing entity committee approval or consent required or allowed under  
941 this title.

942 (c) (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that  
943 is earlier than five years before the beginning of a project area funds collection period.

944 (ii) The taxing entity committee may approve a base year that is earlier than the year  
945 described in Subsection (4)(c)(i).

946 (5) A quorum of a taxing entity committee consists of:

947 (a) if the project area is located within a municipality, five members; or

948 (b) if the project area is not located within a municipality, four members.

949 (6) Taxing entity committee approval, consent, or other action requires:

950 (a) the affirmative vote of a majority of all members present at a taxing entity  
951 committee meeting:

952 (i) at which a quorum is present; and

953 (ii) considering an action relating to a project area budget for, or approval of a [~~finding~~  
954 ~~of blight~~] development impediment determination within, a project area or proposed project  
955 area that contains:

- 956 (A) an inactive industrial site;
- 957 (B) an inactive airport site; or
- 958 (C) a closed military base; or

959 (b) for any other action not described in Subsection (6)(a)(ii), the affirmative vote of  
960 two-thirds of all members present at a taxing entity committee meeting at which a quorum is  
961 present.

962 (7) (a) An agency may call a meeting of the taxing entity committee by sending written  
963 notice to the members of the taxing entity committee at least 10 days before the date of the  
964 meeting.

965 (b) Each notice under Subsection (7)(a) shall be accompanied by:

- 966 (i) the proposed agenda for the taxing entity committee meeting; and
- 967 (ii) if not previously provided and if the documents exist and are to be considered at  
968 the meeting:

- 969 (A) the project area plan or proposed project area plan;
- 970 (B) the project area budget or proposed project area budget;
- 971 (C) the analysis required under Subsection 17C-2-103(2), 17C-3-103(2), or  
972 17C-5-105(12);
- 973 (D) the ~~[blight]~~ development impediment study;
- 974 (E) the agency's resolution making a ~~[finding of blight]~~ development impediment  
975 determination under Subsection 17C-2-102(1)(a)(ii)(B) or ~~[Subsection]~~ 17C-5-402(2)(c)(ii);
- 976 and
- 977 (F) other documents to be considered by the taxing entity committee at the meeting.

978 (c) (i) An agency may not schedule a taxing entity committee meeting on a day on  
979 which the Legislature is in session.

980 (ii) Notwithstanding Subsection (7)(c)(i), a taxing entity committee may, by unanimous  
981 consent, waive the scheduling restriction described in Subsection (7)(c)(i).

982 (8) (a) A taxing entity committee may not vote on a proposed project area budget or  
983 proposed amendment to a project area budget at the first meeting at which the proposed project  
984 area budget or amendment is considered unless all members of the taxing entity committee  
985 present at the meeting consent.

986 (b) A second taxing entity committee meeting to consider a proposed project area



987 budget or a proposed amendment to a project area budget may not be held within 14 days after  
988 the first meeting unless all members of the taxing entity committee present at the first meeting  
989 consent.

990 (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and  
991 Public Meetings Act.

992 (10) A taxing entity committee's records shall be:

993 (a) considered the records of the agency that created the taxing entity committee; and

994 (b) maintained by the agency in accordance with Section 17C-1-209.

995 (11) Each time a school district representative or a representative of the State Board of  
996 Education votes as a member of a taxing entity committee to allow an agency to receive tax  
997 increment, to increase the amount of tax increment the agency receives, or to extend a project  
998 area funds collection period, that representative shall, within 45 days after the vote, provide to  
999 the representative's respective school board an explanation in writing of the representative's  
1000 vote and the reasons for the vote.

1001 (12) (a) The auditor of each county in which an agency is located shall provide a  
1002 written report to the taxing entity committee stating, with respect to property within each  
1003 project area:

1004 (i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408;

1005 and

1006 (ii) the assessed value.

1007 (b) With respect to the information required under Subsection (12)(a), the auditor shall  
1008 provide:

1009 (i) actual amounts for each year from the adoption of the project area plan to the time  
1010 of the report; and

1011 (ii) estimated amounts for each year beginning the year after the time of the report and  
1012 ending the time that each project area funds collection period ends.

1013 (c) The auditor of the county in which the agency is located shall provide a report  
1014 under this Subsection (12):

1015 (i) at least annually; and

1016 (ii) upon request of the taxing entity committee, before a taxing entity committee  
1017 meeting at which the committee considers whether to allow the agency to receive tax

1018 increment, to increase the amount of tax increment that the agency receives, or to extend a  
1019 project area funds collection period.

1020 (13) This section does not apply to:

1021 (a) a community development project area plan; or

1022 (b) a community reinvestment project area plan that is subject to an interlocal  
1023 agreement.

1024 (14) (a) A taxing entity committee resolution approving a [~~blight finding~~] development  
1025 impediment determination, approving a project area budget, or approving an amendment to a  
1026 project area budget:

1027 (i) is final; and

1028 (ii) is not subject to repeal, amendment, or reconsideration unless the agency first  
1029 consents by resolution to the proposed repeal, amendment, or reconsideration.

1030 (b) The provisions of Subsection (14)(a) apply regardless of when the resolution is  
1031 adopted.

1032 Section 9. Section **17C-1-407** is amended to read:

1033 **17C-1-407. Limitations on tax increment.**

1034 (1) (a) If the development of retail sales of goods is the primary objective of an urban  
1035 renewal project area, tax increment from the urban renewal project area may not be paid to or  
1036 used by an agency unless the agency makes a [~~finding of blight is made~~] development  
1037 impediment determination under Chapter 2, Part 3, [~~Blight~~] Development Impediment  
1038 Determination in Urban Renewal Project Areas.

1039 (b) Development of retail sales of goods does not disqualify an agency from receiving  
1040 tax increment.

1041 (c) After July 1, 2005, an agency may not receive or use tax increment generated from  
1042 the value of property within an economic development project area that is attributable to the  
1043 development of retail sales of goods, unless the tax increment was previously pledged to pay  
1044 for bonds or other contractual obligations of the agency.

1045 (2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from  
1046 an increase in the taxing entity's tax rate that occurs after the taxing entity committee approves  
1047 the project area budget unless, at the time the taxing entity committee approves the project area  
1048 budget, the taxing entity committee approves payment of those increased taxes to the agency.

1049 (b) If the taxing entity committee does not approve payment of the increased taxes to  
1050 the agency under Subsection (2)(a), the county shall distribute to the taxing entity the taxes  
1051 attributable to the tax rate increase in the same manner as other property taxes.

1052 (c) Notwithstanding any other provision of this section, if, before tax year 2013,  
1053 increased taxes are paid to an agency without the approval of the taxing entity committee, and  
1054 notwithstanding the law at the time that the tax was collected or increased:

1055 (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity,  
1056 or any other person or entity may not recover, directly or indirectly, the increased taxes from  
1057 the agency by adjustment of a tax rate used to calculate tax increment or otherwise;

1058 (ii) the county is not liable to a taxing entity or any other person or entity for the  
1059 increased taxes that were paid to the agency; and

1060 (iii) tax increment, including the increased taxes, shall continue to be paid to the  
1061 agency subject to the same number of tax years, percentage of tax increment, and cumulative  
1062 dollar amount of tax increment as approved in the project area budget and previously paid to  
1063 the agency.

1064 (3) Except as the taxing entity committee otherwise agrees, an agency may not receive  
1065 tax increment under an urban renewal or economic development project area budget adopted  
1066 on or after March 30, 2009:

1067 (a) that exceeds the percentage of tax increment or cumulative dollar amount of tax  
1068 increment specified in the project area budget; or

1069 (b) for more tax years than specified in the project area budget.

1070 Section 10. Section **17C-1-409** is amended to read:

1071 **17C-1-409. Allowable uses of agency funds.**

1072 (1) (a) An agency may use agency funds:

1073 (i) for any purpose authorized under this title;

1074 (ii) for administrative, overhead, legal, or other operating expenses of the agency,  
1075 including consultant fees and expenses under Subsection [17C-2-102\(1\)\(b\)\(ii\)\(B\)](#) or funding for  
1076 a business resource center;

1077 (iii) to pay for, including financing or refinancing, all or part of:

1078 (A) project area development in a project area, including environmental remediation  
1079 activities occurring before or after adoption of the project area plan;

- 1080 (B) housing-related expenditures, projects, or programs as described in Section  
1081 17C-1-411 or 17C-1-412;
- 1082 (C) an incentive or other consideration paid to a participant under a participation  
1083 agreement;
- 1084 (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the  
1085 installation and construction of any publicly owned building, facility, structure, landscaping, or  
1086 other improvement within the project area from which the project area funds are collected; or
- 1087 (E) the cost of the installation of publicly owned infrastructure and improvements  
1088 outside the project area from which the project area funds are collected if the board and the  
1089 community legislative body determine by resolution that the publicly owned infrastructure and  
1090 improvements benefit the project area;
- 1091 (iv) in an urban renewal project area that includes some or all of an inactive industrial  
1092 site and subject to Subsection (1)(e), to reimburse the Department of Transportation created  
1093 under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8,  
1094 Public Transit District Act, for the cost of:
- 1095 (A) construction of a public road, bridge, or overpass;
- 1096 (B) relocation of a railroad track within the urban renewal project area; or
- 1097 (C) relocation of a railroad facility within the urban renewal project area; or
- 1098 (v) subject to Subsection (5), to transfer funds to a community that created the agency.
- 1099 (b) The determination of the board and the community legislative body under  
1100 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.
- 1101 (c) An agency may not use project area funds received from a taxing entity for the  
1102 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an  
1103 economic development project area plan, or a community reinvestment project area plan  
1104 without the community legislative body's consent.
- 1105 (d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a  
1106 project area fund to another project area fund if:
- 1107 (A) the board approves; and
- 1108 (B) the community legislative body approves.
- 1109 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the  
1110 projections for agency funds are sufficient to repay the loan amount.

1111 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,  
1112 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal  
1113 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for  
1114 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

1115 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection  
1116 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the  
1117 reimbursement with:

1118 (i) the Department of Transportation; or

1119 (ii) a public transit district.

1120 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not  
1121 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use  
1122 Tax Incentive Payments Act.

1123 (b) An agency may use sales and use tax revenue that the agency receives under an  
1124 interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the  
1125 interlocal agreement.

1126 (3) (a) An agency may contract with the community that created the agency or another  
1127 public entity to use agency funds to reimburse the cost of items authorized by this title to be  
1128 paid by the agency that are paid by the community or other public entity.

1129 (b) If land is acquired or the cost of an improvement is paid by another public entity  
1130 and the land or improvement is leased to the community, an agency may contract with and  
1131 make reimbursement from agency funds to the community.

1132 (4) Notwithstanding any other provision of this title, an agency may not use project  
1133 area funds to construct a local government building unless the taxing entity committee or each  
1134 taxing entity party to an interlocal agreement with the agency consents.

1135 (5) For the purpose of offsetting the community's annual local contribution to the  
1136 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in  
1137 a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and 17C-1-412  
1138 [(+)] (3)(a)(x) may not exceed the community's annual local contribution as defined in Section  
1139 35A-8-606.

1140 Section 11. Section 17C-1-412 is amended to read:

1141 **17C-1-412. Use of housing allocation -- Separate accounting required -- Issuance**

1142 **of bonds for housing -- Action to compel agency to provide housing allocation.**

1143 (1) (a) An agency shall use the agency's housing allocation~~[, if applicable;]~~ to:

1144 (i) pay part or all of the cost of land or construction of income targeted housing within  
1145 the boundary of the agency, if practicable in a mixed income development or area;

1146 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the  
1147 boundary of the agency;

1148 (iii) lend, grant, or contribute money to a person, public entity, housing authority,  
1149 private entity or business, or nonprofit corporation for income targeted housing within the  
1150 boundary of the agency;

1151 (iv) plan or otherwise promote income targeted housing within the boundary of the  
1152 agency;

1153 (v) pay part or all of the cost of land or installation, construction, or rehabilitation of  
1154 any building, facility, structure, or other housing improvement, including infrastructure  
1155 improvements, related to housing located in a project area where ~~[blight has been found to~~  
1156 exist] a board has determined that a development impediment exists;

1157 (vi) replace housing units lost as a result of the project area development;

1158 (vii) make payments on or establish a reserve fund for bonds:

1159 (A) issued by the agency, the community, or the housing authority that provides  
1160 income targeted housing within the community; and

1161 (B) all or part of the proceeds of which are used within the community for the purposes  
1162 stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

1163 (viii) if the community's fair share ratio at the time of the first adoption of the project  
1164 area budget is at least 1.1 to 1.0, make payments on bonds:

1165 (A) that were previously issued by the agency, the community, or the housing authority  
1166 that provides income targeted housing within the community; and

1167 (B) all or part of the proceeds of which were used within the community for the  
1168 purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

1169 (ix) relocate mobile home park residents displaced by project area development; or

1170 (x) subject to Subsection (6), transfer funds to a community that created the agency.

1171 (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or  
1172 any portion of the agency's housing allocation to:

- 1173 (i) the community for use as described in Subsection (1)(a);
- 1174 (ii) a housing authority that provides income targeted housing within the community
- 1175 for use in providing income targeted housing within the community;
- 1176 (iii) a housing authority established by the county in which the agency is located for
- 1177 providing:
- 1178 (A) income targeted housing within the county;
- 1179 (B) permanent housing, permanent supportive housing, or a transitional facility, as
- 1180 defined in Section 35A-5-302, within the county; or
- 1181 (C) homeless assistance within the county; or
- 1182 (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8,
- 1183 Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing within
- 1184 the community.
- 1185 (2) The agency shall create a housing fund and separately account for the agency's
- 1186 housing allocation, together with all interest earned by the housing allocation and all payments
- 1187 or repayments for loans, advances, or grants from the housing allocation.
- 1188 (3) An agency may:
- 1189 (a) issue bonds to finance a housing-related project under this section, including the
- 1190 payment of principal and interest upon advances for surveys and plans or preliminary loans;
- 1191 and
- 1192 (b) issue refunding bonds for the payment or retirement of bonds under Subsection
- 1193 (3)(a) previously issued by the agency.
- 1194 (4) (a) Except as provided in Subsection (4)(b), an agency shall allocate money to the
- 1195 housing fund each year in which the agency receives sufficient tax increment to make a
- 1196 housing allocation required by the project area budget.
- 1197 (b) Subsection (4)(a) does not apply in a year in which tax increment is insufficient.
- 1198 (5) (a) Except as provided in Subsection (4)(b), if an agency fails to provide a housing
- 1199 allocation in accordance with the project area budget and~~[, if applicable,]~~ the housing plan
- 1200 adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to compel
- 1201 the agency to provide the housing allocation.
- 1202 (b) In an action under Subsection (5)(a), the court:
- 1203 (i) shall award the loan fund board reasonable attorney fees, unless the court finds that

1204 the action was frivolous; and

1205 (ii) may not award the agency the agency's attorney fees, unless the court finds that the  
1206 action was frivolous.

1207 (6) For the purpose of offsetting the community's annual local contribution to the  
1208 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in  
1209 a calendar year to a community under Subsections (1)(a)(x), [17C-1-409\(1\)\(a\)\(v\)](#), and  
1210 [17C-1-411\(1\)\(d\)](#) may not exceed the community's annual local contribution as defined in  
1211 Section [35A-8-606](#).

1212 Section 12. Section [17C-1-802](#) is amended to read:

1213 **17C-1-802. Combining hearings.**

1214 A board may combine any combination of a [~~bright~~] development impediment hearing,  
1215 a plan hearing, and a budget hearing.

1216 Section 13. Section [17C-1-803](#) is amended to read:

1217 **17C-1-803. Continuing a hearing.**

1218 Subject to Section [17C-1-804](#), the board may continue:

1219 (1) a [~~bright~~] development impediment hearing;

1220 (2) a plan hearing;

1221 (3) a budget hearing; or

1222 (4) a combined hearing under Section [17C-1-802](#).

1223 Section 14. Section [17C-1-804](#) is amended to read:

1224 **17C-1-804. Notice required for continued hearing.**

1225 The board shall give notice of a hearing continued under Section [~~17C-1-802~~]  
1226 [17C-1-803](#) by announcing at the hearing:

1227 (1) the date, time, and place the hearing will be resumed; or

1228 (2) (a) that the hearing is being continued to a later time; and

1229 (b) that the board will cause a notice of the continued hearing to be published on the  
1230 Utah Public Notice Website created in Section [63F-1-701](#), at least seven days before the day on  
1231 which the hearing is scheduled to resume.

1232 Section 15. Section [17C-1-805](#) is amended to read:

1233 **17C-1-805. Agency to provide notice of hearings.**

1234 (1) Each agency shall provide notice, in accordance with this part, of each:



1235 (a) [blight] development impediment hearing;

1236 (b) plan hearing; or

1237 (c) budget hearing.

1238 (2) The notice required under Subsection (1) may be combined with the notice required

1239 for any of the other hearings if the hearings are combined under Section 17C-1-802.

1240 Section 16. Section 17C-1-807 is amended to read:

1241 **17C-1-807. Additional requirements for notice of a development impediment**  
1242 **hearing.**

1243 Each notice under Section 17C-1-806 for a [blight] development impediment hearing  
1244 shall also include:

1245 (1) a statement that:

1246 (a) a project area is being proposed;

1247 (b) the proposed project area may be [declared] determined to have [blight] a  
1248 development impediment;

1249 (c) the record owner of property within the proposed project area has the right to  
1250 present evidence at the [blight] development impediment hearing contesting the existence of  
1251 [blight] a development impediment;

1252 (d) except for a hearing continued under Section 17C-1-803, the agency will notify the  
1253 record owner of property referred to in Subsection 17C-1-806(1)(b)(i) of each additional public  
1254 hearing held by the agency concerning the proposed project area before the adoption of the  
1255 project area plan; and

1256 (e) a person contesting the existence of [blight] a development impediment in the  
1257 proposed project area may appear before the board and show cause why the proposed project  
1258 area should not be designated as a project area; and

1259 (2) if the agency anticipates acquiring property in an urban renewal project area or a  
1260 community reinvestment project area by eminent domain, a clear and plain statement that:

1261 (a) the project area plan may require the agency to use eminent domain; and

1262 (b) the proposed use of eminent domain will be discussed at the [blight] development  
1263 impediment hearing.

1264 Section 17. Section 17C-1-902 is amended to read:

1265 **17C-1-902. Use of eminent domain -- Conditions.**

1266 (1) Except as provided in Subsection (2), an agency may not use eminent domain to  
1267 acquire property.

1268 (2) Subject to the provisions of this part, an agency may, in accordance with Title 78B,  
1269 Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in property:

1270 (a) within an urban renewal project area if:

1271 (i) the board makes a ~~[finding of blight]~~ development impediment determination under  
1272 Chapter 2, Part 3, ~~[Blight]~~ Development Impediment Determination in Urban Renewal Project  
1273 Areas; and

1274 (ii) the urban renewal project area plan provides for the use of eminent domain;

1275 (b) that is owned by an agency board member or officer and located within a project  
1276 area, if the board member or officer consents;

1277 (c) within a community reinvestment project area if:

1278 (i) the board makes a ~~[finding of blight in accordance with]~~ development impediment  
1279 determination under Chapter 5, Part 4, ~~[Blight]~~ Development Impediment Determination in a  
1280 Community Reinvestment Project Area;

1281 (ii) (A) the original community reinvestment project area plan provides for the use of  
1282 eminent domain; or

1283 (B) the community reinvestment project area plan is amended in accordance with  
1284 Subsection [17C-5-112\(4\)](#); and

1285 (iii) the agency creates a taxing entity committee in accordance with Section  
1286 [17C-1-402](#);

1287 (d) that:

1288 (i) is owned by a participant or a property owner that is entitled to receive tax  
1289 increment or other assistance from the agency;

1290 (ii) is within a project area, regardless of when the project area is created, for which the  
1291 ~~[agency made a finding of blight under Section [17C-2-102](#) or [17C-5-405](#)]~~ board made a  
1292 development impediment determination under Chapter 2, Part 3, Development Impediment  
1293 Determination in Urban Renewal Project Areas, or Chapter 5, Part 4, Development Impediment  
1294 Determination in a Community Reinvestment Project Area; and

1295 (iii) (A) the participant or property owner described in Subsection (2)(d)(i) fails to  
1296 develop or improve in accordance with the participation agreement or the project area plan; or

1297 (B) for a period of 36 months does not generate the amount of tax increment that the  
1298 agency projected to receive under the project area budget; or

1299 (e) if a property owner requests in writing that the agency exercise eminent domain to  
1300 acquire the property owner's property within a project area.

1301 (3) An agency shall, in accordance with the provisions of this part, commence the  
1302 acquisition of property described in Subsections (2)(a) through (c) by adopting a resolution  
1303 authorizing eminent domain within five years after the day on which the project area plan is  
1304 effective.

1305 Section 18. Section **17C-2-101.5** is amended to read:

1306 **17C-2-101.5. Resolution designating survey area -- Request to adopt resolution.**

1307 (1) A board may begin the process of adopting an urban renewal project area plan by  
1308 adopting a resolution that:

- 1309 (a) designates an area located within the agency's boundaries as a survey area;
- 1310 (b) contains a statement that the survey area requires study to determine whether:
  - 1311 (i) one or more urban renewal project areas within the survey area are feasible; and
  - 1312 (ii) ~~[blight]~~ a development impediment exists within the survey area; and
- 1313 (c) contains a boundary description or map of the survey area.

1314 (2) (a) Any person or any group, association, corporation, or other entity may submit a  
1315 written request to the board to adopt a resolution under Subsection (1).

1316 (b) A request under Subsection (2)(a) may include plans showing the project area  
1317 development proposed for an area within the agency's boundaries.

1318 (c) The board may, in the board's sole discretion, grant or deny a request under  
1319 Subsection (2)(a).

1320 Section 19. Section **17C-2-102** is amended to read:

1321 **17C-2-102. Process for adopting urban renewal project area plan -- Prerequisites**  
1322 **-- Restrictions.**

1323 (1) (a) In order to adopt an urban renewal project area plan, after adopting a resolution  
1324 under Subsection **17C-2-101.5**(1) the agency shall:

- 1325 (i) unless a ~~[finding of blight]~~ development impediment determination is based on a  
1326 ~~[finding]~~ determination made under Subsection **17C-2-303**(1)(b) relating to an inactive  
1327 industrial site or inactive airport site:

1328 (A) cause a [blight] development impediment study to be conducted within the survey  
1329 area as provided in Section 17C-2-301;

1330 (B) provide notice of a [blight] development impediment hearing as required under  
1331 Chapter 1, Part 8, Hearing and Notice Requirements; and

1332 (C) hold a [blight] development impediment hearing as described in Section  
1333 17C-2-302;

1334 (ii) after the [blight] development impediment hearing has been held or, if no [blight]  
1335 development impediment hearing is required under Subsection (1)(a)(i), after adopting a  
1336 resolution under Subsection 17C-2-101.5(1), hold a board meeting at which the board shall:

1337 (A) consider:

1338 (I) [the issue of blight and] the evidence and information relating to the existence or  
1339 nonexistence of [blight] a development impediment; and

1340 (II) whether adoption of one or more urban renewal project area plans should be  
1341 pursued; and

1342 (B) by resolution:

1343 (I) make a [finding] determination regarding the existence of [blight] a development  
1344 impediment in the proposed urban renewal project area;

1345 (II) select one or more project areas comprising part or all of the survey area; and

1346 (III) authorize the preparation of a proposed project area plan for each project area;

1347 (iii) prepare a proposed project area plan and conduct any examination, investigation,  
1348 and negotiation regarding the project area plan that the agency considers appropriate;

1349 (iv) make the proposed project area plan available to the public at the agency's offices  
1350 during normal business hours;

1351 (v) provide notice of the plan hearing in accordance with Sections 17C-1-806 and  
1352 17C-1-808;

1353 (vi) hold a plan hearing on the proposed project area plan and, at the plan hearing:

1354 (A) allow public comment on:

1355 (I) the proposed project area plan; and

1356 (II) whether the proposed project area plan should be revised, approved, or rejected;

1357 and

1358 (B) receive all written and hear all oral objections to the proposed project area plan;

1359 (vii) before holding the plan hearing, provide an opportunity for the State Board of  
1360 Education and each taxing entity that levies a tax on property within the proposed project area  
1361 to consult with the agency regarding the proposed project area plan;

1362 (viii) if applicable, hold the election required under Subsection 17C-2-105(3);

1363 (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting  
1364 consider:

1365 (A) the oral and written objections to the proposed project area plan and evidence and  
1366 testimony for and against adoption of the proposed project area plan; and

1367 (B) whether to revise, approve, or reject the proposed project area plan;

1368 (x) approve the proposed project area plan, with or without revisions, as the project  
1369 area plan by a resolution that complies with Section 17C-2-106; and

1370 (xi) submit the project area plan to the community legislative body for adoption.

1371 (b) (i) If an agency makes a ~~[finding]~~ determination under Subsection (1)(a)(ii)(B) that  
1372 ~~[blight]~~ a development impediment exists in the proposed urban renewal project area, the  
1373 agency may not adopt the project area plan until the taxing entity committee approves the  
1374 ~~[finding of blight]~~ development impediment determination.

1375 (ii) (A) A taxing entity committee may not disapprove an agency's ~~[finding of blight]~~  
1376 development impediment determination unless the committee demonstrates that the conditions  
1377 the agency found to exist in the urban renewal project area that support the agency's ~~[finding of~~  
1378 ~~blight]~~ development impediment determination under Section 17C-2-303:

1379 (I) do not exist; or

1380 (II) do not constitute ~~[blight]~~ a development impediment.

1381 (B) (I) If the taxing entity committee questions or disputes the existence of some or all  
1382 of the ~~[blight]~~ development impediment conditions that the agency ~~[found]~~ determined to exist  
1383 in the urban renewal project area or that those conditions constitute ~~[blight]~~ a development  
1384 impediment, the taxing entity committee may hire a consultant, mutually agreed upon by the  
1385 taxing entity committee and the agency, with the necessary expertise to assist the taxing entity  
1386 committee to make a determination as to the existence of the questioned or disputed ~~[blight]~~  
1387 development impediment conditions.

1388 (II) The agency shall pay the fees and expenses of each consultant hired under  
1389 Subsection (1)(b)(ii)(B)(I).

1390 (III) The [~~findings~~] determination of a consultant under this Subsection (1)(b)(ii)(B)  
1391 shall be binding on the taxing entity committee and the agency.

1392 (2) An agency may not propose a project area plan under Subsection (1) unless the  
1393 community in which the proposed project area is located:

1394 (a) has a planning commission; and

1395 (b) has adopted a general plan under:

1396 (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or

1397 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

1398 (3) (a) Subject to Subsection (3)(b), a board may not approve a project area plan more  
1399 than one year after adoption of a resolution making a [~~finding of blight~~] development  
1400 impediment determination under Subsection (1)(a)(ii)(B).

1401 (b) If a project area plan is submitted to an election under Subsection 17C-2-105(3),  
1402 the time between the plan hearing and the date of the election does not count for purposes of  
1403 calculating the year period under Subsection (3)(a).

1404 (4) (a) Except as provided in Subsection (4)(b), a proposed project area plan may not  
1405 be modified to add real property to the proposed project area unless the board holds a plan  
1406 hearing to consider the addition and gives notice of the plan hearing as required under Sections  
1407 17C-1-806 and 17C-1-808.

1408 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a  
1409 proposed project area plan being modified to add real property to the proposed project area if:

1410 (i) the property is contiguous to the property already included in the proposed project  
1411 area under the proposed project area plan;

1412 (ii) the record owner of the property consents to adding the real property to the  
1413 proposed project area; and

1414 (iii) the property is located within the survey area.

1415 Section 20. Section 17C-2-103 is amended to read:

1416 **17C-2-103. Urban renewal project area plan requirements.**

1417 (1) [~~Each~~] An agency shall ensure that each urban renewal project area plan and  
1418 proposed project area plan [~~shall~~]:

1419 (a) [~~describe~~] describes the boundaries of the project area, subject to Section  
1420 17C-1-414, if applicable;

1421 (b) [~~contain~~] contains a general statement of the land uses, layout of principal streets,  
1422 population densities, and building intensities of the project area and how they will be affected  
1423 by the project area development;

1424 (c) [~~state~~] states the standards that will guide the project area development;

1425 (d) [~~show~~] shows how the purposes of this title will be attained by the project area  
1426 development;

1427 (e) [~~be~~] is consistent with the general plan of the community in which the project area  
1428 is located and show that the project area development will conform to the community's general  
1429 plan;

1430 (f) [~~describe~~] describes how the project area development will reduce or eliminate  
1431 [~~blight~~] a development impediment in the project area;

1432 (g) [~~describe~~] describes any specific project or projects that are the object of the  
1433 proposed project area development;

1434 (h) [~~identify~~] identifies how a participant will be selected to undertake the project area  
1435 development and identify each participant currently involved in the project area development;

1436 (i) [~~state~~] states the reasons for the selection of the project area;

1437 (j) [~~describe~~] describes the physical, social, and economic conditions existing in the  
1438 project area;

1439 (k) [~~describe~~] describes any tax incentives offered private entities for facilities located  
1440 in the project area;

1441 (l) [~~include~~] includes the analysis described in Subsection (2);

1442 (m) if any of the existing buildings or uses in the project area are included in or eligible  
1443 for inclusion in the National Register of Historic Places or the State Register, [~~state~~] states that  
1444 the agency shall comply with Section 9-8-404 as though the agency were a state agency; and

1445 (n) [~~include~~] includes other information that the agency determines to be necessary or  
1446 advisable.

1447 (2) [~~Each~~] An agency shall ensure that each analysis under Subsection (1)(l) [~~shall~~  
1448 ~~consider~~] considers:

1449 (a) the benefit of any financial assistance or other public subsidy proposed to be  
1450 provided by the agency, including:

1451 (i) an evaluation of the reasonableness of the costs of the project area development;

1452 (ii) efforts the agency or participant has made or will make to maximize private  
1453 investment;

1454 (iii) the rationale for use of tax increment, including an analysis of whether the  
1455 proposed project area development might reasonably be expected to occur in the foreseeable  
1456 future solely through private investment; and

1457 (iv) an estimate of the total amount of tax increment that will be expended in  
1458 undertaking project area development and the project area funds collection period; and

1459 (b) the anticipated public benefit to be derived from the project area development,  
1460 including:

1461 (i) the beneficial influences upon the tax base of the community;

1462 (ii) the associated business and economic activity likely to be stimulated; and

1463 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or  
1464 eliminate ~~[blight]~~ a development impediment.

1465 Section 21. Section **17C-2-106** is amended to read:

1466 **17C-2-106. Board resolution approving urban renewal project area plan --**  
1467 **Requirements.**

1468 ~~[Each board]~~ A board shall ensure that each resolution approving a proposed urban  
1469 renewal project area plan as the project area plan under Subsection **17C-2-102**(1)(a)(x) ~~[shall~~  
1470 ~~contain]~~ contains:

1471 (1) a boundary description of the boundaries of the project area that is the subject of the  
1472 project area plan;

1473 (2) the agency's purposes and intent with respect to the project area;

1474 (3) the project area plan incorporated by reference;

1475 (4) a statement that the board previously made a ~~[finding of blight]~~ development  
1476 impediment determination within the project area and the date of the board's ~~[finding of blight]~~  
1477 determination; and

1478 (5) the board findings and determinations that:

1479 (a) there is a need to effectuate a public purpose;

1480 (b) there is a public benefit under the analysis described in Subsection **17C-2-103**(2);

1481 (c) it is economically sound and feasible to adopt and carry out the project area plan;

1482 (d) the project area plan conforms to the community's general plan; and



1483 (e) carrying out the project area plan will promote the public peace, health, safety, and  
1484 welfare of the community in which the project area is located.

1485 Section 22. Section 17C-2-110 is amended to read:

1486 **17C-2-110. Amending an urban renewal project area plan.**

1487 (1) ~~[An]~~ An agency may amend an urban renewal project area plan ~~[may be amended]~~  
1488 as provided in this section.

1489 (2) If an agency proposes to amend an urban renewal project area plan to enlarge the  
1490 project area:

1491 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting  
1492 a project area plan apply equally to the proposed amendment as if it were a proposed project  
1493 area plan;

1494 (b) for a pre-July 1, 1993<sub>2</sub> project area plan, the base year for the new area added to the  
1495 project area shall be determined under Subsection 17C-1-102(9) using the effective date of the  
1496 amended project area plan;

1497 (c) for a post-June 30, 1993<sub>2</sub> project area plan:

1498 (i) the base year for the new area added to the project area shall be determined under  
1499 Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in  
1500 Subsection (2)(c)(ii); and

1501 (ii) the agency shall obtain the consent of the taxing entity committee before the agency  
1502 may collect tax increment from the area added to the project area by the amendment;

1503 (d) the agency shall make a ~~[finding]~~ determination regarding the existence of ~~[blight]~~  
1504 a development impediment in the area proposed to be added to the project area by following  
1505 the procedure set forth in Chapter 2, Part 3, ~~[Blight]~~ Development Impediment Determination  
1506 in Urban Renewal Project Areas; and

1507 (e) the agency need not make a ~~[finding regarding the existence of blight]~~ development  
1508 impediment determination in the project area as described in the original project area plan, if  
1509 the agency made a ~~[finding of the existence of blight]~~ development impediment determination  
1510 regarding that project area in connection with adoption of the original project area plan.

1511 (3) If a proposed amendment does not propose to enlarge an urban renewal project  
1512 area, a board may adopt a resolution approving an amendment to a project area plan after:

1513 (a) the agency gives notice, as provided in Section 17C-1-806, of the proposed

1514 amendment and of the public hearing required by Subsection (3)(b);

1515 (b) the board holds a public hearing on the proposed amendment that meets the  
1516 requirements of a plan hearing;

1517 (c) the agency obtains the taxing entity committee's consent to the amendment, if the  
1518 amendment proposes:

1519 (i) to enlarge the area within the project area from which tax increment is collected;

1520 (ii) to permit the agency to receive a greater percentage of tax increment or to extend  
1521 the project area funds collection period, or both, than allowed under the adopted project area  
1522 plan; or

1523 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to  
1524 expand the area from which tax increment is collected to exceed 100 acres of private property;  
1525 and

1526 (d) the agency obtains the consent of the legislative body or governing board of each  
1527 taxing entity affected, if the amendment proposes to permit the agency to receive, from less  
1528 than all taxing entities, a greater percentage of tax increment or to extend the project area funds  
1529 collection period, or both, than allowed under the adopted project area plan.

1530 (4) (a) ~~[An]~~ An agency may amend an urban renewal project area plan ~~[may be~~  
1531 ~~amended]~~ without complying with the notice and public hearing requirements of Subsections  
1532 (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under  
1533 Subsection (3)(c) if the amendment:

1534 (i) makes a minor adjustment in the boundary description of a project area boundary  
1535 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;  
1536 or

1537 (ii) subject to Subsection (4)(b), removes one or more parcels from a project area  
1538 because the agency determines that each parcel removed is:

1539 (A) tax exempt;

1540 (B) ~~[no longer blighted]~~ without a development impediment; or

1541 (C) no longer necessary or desirable to the project area.

1542 (b) ~~[An]~~ An agency may make an amendment removing one or more parcels from a  
1543 project area under Subsection (4)(a)(ii) ~~[may be made]~~ without the consent of the record  
1544 property owner of each parcel being removed.

1545 (5) (a) An amendment approved by board resolution under this section may not take  
1546 effect until adopted by ordinance of the legislative body of the community in which the project  
1547 area that is the subject of the project area plan being amended is located.

1548 (b) Upon a community legislative body passing an ordinance adopting an amendment  
1549 to a project area plan, the agency whose project area plan was amended shall comply with the  
1550 requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment  
1551 were a project area plan.

1552 (6) (a) Within 30 days after the day on which an amendment to a project area plan  
1553 becomes effective, a person may contest the amendment to the project area plan or the  
1554 procedure used to adopt the amendment to the project area plan if the amendment or procedure  
1555 fails to comply with a provision of this title.

1556 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not  
1557 contest the amendment to the project area plan or procedure used to adopt the amendment to  
1558 the project area plan for any cause.

1559 Section 23. Section 17C-2-202 is amended to read:

1560 **17C-2-202. Combined incremental value -- Restriction against adopting an urban**  
1561 **renewal project area budget -- Taxing entity committee may waive restriction.**

1562 (1) Except as provided in Subsection (2), an agency may not adopt an urban renewal  
1563 project area budget if, at the time the urban renewal project area budget is being considered, the  
1564 combined incremental value for the agency exceeds 10% of the total taxable value of property  
1565 within the agency's boundaries in the year that the urban renewal project area budget is being  
1566 considered.

1567 (2) (a) A taxing entity committee may waive the restrictions imposed by Subsection  
1568 (1).

1569 (b) Subsection (1) does not apply to an urban renewal project area budget if the  
1570 agency's [~~finding of blight~~] development impediment determination in the project area to which  
1571 the budget relates is based on a [~~finding~~] determination under Subsection 17C-2-303(1)(b).

1572 Section 24. Section 17C-2-301 is amended to read:

1573 **Part 3. Development Impediment Determination in Urban Renewal Project Areas**  
1574 **17C-2-301. Development impediment study -- Requirements -- Deadline.**

1575 (1) [~~Each blight~~] An agency shall ensure that each development impediment study

1576 required under Subsection 17C-2-102(1)(a)(i)(A) [~~shall~~]:

1577 (a) [~~undertake~~] undertakes a parcel by parcel survey of the survey area;

1578 (b) [~~provide~~] provides data so the board and taxing entity committee may determine:

1579 (i) whether the conditions described in Subsection 17C-2-303(1):

1580 (A) exist in part or all of the survey area; and

1581 (B) qualify an area within the survey area as a project area; and

1582 (ii) whether the survey area contains all or part of a superfund site, an inactive  
1583 industrial site, or inactive airport site;

1584 (c) [~~include~~] includes a written report setting forth:

1585 (i) the conclusions reached;

1586 (ii) any recommended area within the survey area qualifying as a project area; and

1587 (iii) any other information requested by the agency to determine whether an urban  
1588 renewal project area is feasible; and

1589 (d) [~~be~~] is completed within one year after the adoption of the survey area resolution.

1590 (2) (a) If a [~~blight~~] development impediment study is not completed within one year  
1591 after the adoption of the resolution under Subsection 17C-2-101.5(1) designating a survey area,  
1592 the agency may not approve an urban renewal project area plan based on that [~~blight~~]  
1593 development impediment study unless [~~it~~] the agency first adopts a new resolution under  
1594 Subsection 17C-2-101.5(1).

1595 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a  
1596 resolution under Subsection 17C-2-101.5(1) adopted for the first time, except that any actions  
1597 taken toward completing a [~~blight~~] development impediment study under the resolution that the  
1598 new resolution replaces shall be considered to have been taken under the new resolution.

1599 Section 25. Section 17C-2-302 is amended to read:

1600 **17C-2-302. Development impediment hearing -- Owners may review evidence of**  
1601 **a development impediment.**

1602 (1) In each hearing required under Subsection 17C-2-102(1)(a)(i)(C), the agency shall:

1603 (a) permit all evidence of the existence or nonexistence of [~~blight~~] a development  
1604 impediment within the proposed urban renewal project area to be presented; and

1605 (b) permit each record owner of property located within the proposed urban renewal  
1606 project area or the record property owner's representative the opportunity to:

1607 (i) examine and cross-examine witnesses providing evidence of the existence or  
1608 nonexistence of ~~[blight]~~ a development impediment; and

1609 (ii) present evidence and testimony, including expert testimony, concerning the  
1610 existence or nonexistence of ~~[blight]~~ a development impediment.

1611 (2) The agency shall allow record owners of property located within a proposed urban  
1612 renewal project area the opportunity, for at least 30 days before the hearing, to review the  
1613 evidence of ~~[blight]~~ a development impediment compiled by the agency or by the person or  
1614 firm conducting the ~~[blight]~~ development impediment study for the agency, including any  
1615 expert report.

1616 Section 26. Section 17C-2-303 is amended to read:

1617 **17C-2-303. Conditions on board determination of a development impediment --**  
1618 **Conditions of a development impediment caused by the participant.**

1619 (1) A board may not make a ~~[finding of blight]~~ development impediment determination  
1620 in a resolution under Subsection 17C-2-102(1)(a)(ii)(B) unless the board finds that:

1621 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;

1622 (ii) the proposed project area is currently zoned for urban purposes and generally  
1623 served by utilities;

1624 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural  
1625 or nonaccessory buildings or improvements used or intended for residential, commercial,  
1626 industrial, or other urban purposes, or any combination of those uses;

1627 (iv) the present condition or use of the proposed project area substantially impairs the  
1628 sound growth of the municipality, retards the provision of housing accommodations, or  
1629 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as  
1630 shown by the existence within the proposed project area of at least four of the following  
1631 factors:

1632 (A) one of the following, although sometimes interspersed with well maintained  
1633 buildings and infrastructure:

1634 (I) substantial physical dilapidation, deterioration, or defective construction of  
1635 buildings or infrastructure; or

1636 (II) significant noncompliance with current building code, safety code, health code, or  
1637 fire code requirements or local ordinances;

1638 (B) unsanitary or unsafe conditions in the proposed project area that threaten the  
1639 health, safety, or welfare of the community;

1640 (C) environmental hazards, as defined in state or federal law, that require remediation  
1641 as a condition for current or future use and development;

1642 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for  
1643 urban use and served by utilities;

1644 (E) abandoned or outdated facilities that pose a threat to public health, safety, or  
1645 welfare;

1646 (F) criminal activity in the project area, higher than that of comparable [~~nonblighted~~]  
1647 areas in the municipality or county that are without a development impediment; and

1648 (G) defective or unusual conditions of title rendering the title nonmarketable; and

1649 (v) (A) at least 50% of the privately-owned parcels within the proposed project area are  
1650 affected by at least one of the factors, but not necessarily the same factor, listed in Subsection  
1651 (1)(a)(iv); and

1652 (B) the affected parcels comprise at least 66% of the privately-owned acreage of the  
1653 proposed project area; or

1654 (b) the proposed project area includes some or all of a superfund site, inactive  
1655 industrial site, or inactive airport site.

1656 (2) No single parcel comprising 10% or more of the acreage of the proposed project  
1657 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of  
1658 that parcel is occupied by buildings or improvements.

1659 (3) (a) For purposes of Subsection (1), if a participant involved in the project area  
1660 development has caused a condition listed in Subsection (1)(a)(iv) within the proposed project  
1661 area, that condition may not be used in the determination of [~~blight~~] a development  
1662 impediment.

1663 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or  
1664 tenant who becomes a participant.

1665 Section 27. Section 17C-2-304 is amended to read:

1666 **17C-2-304. Challenging a development impediment determination -- Time limit --**  
1667 **De novo review.**

1668 (1) If the board makes a [~~finding of blight~~] development impediment determination

1669 under Subsection [17C-2-102](#)(1)(a)(ii)(B) and that ~~[finding]~~ determination is approved by  
1670 resolution adopted by the taxing entity committee, a record owner of property located within  
1671 the proposed urban renewal project area may challenge the ~~[finding]~~ determination by filing an  
1672 action with the district court for the county in which the property is located.

1673 (2) ~~[Each]~~ A person shall file a challenge under Subsection (1) ~~[shall be filed]~~ within  
1674 30 days after the taxing entity committee approves the board's ~~[finding of blight]~~ development  
1675 impediment determination.

1676 (3) In each action under this section, the district court shall review the ~~[finding of~~  
1677 ~~blight]~~ development impediment determination under the standards of review provided in  
1678 Subsection [10-9a-801](#)(3).

1679 Section 28. Section [17C-5-103](#) is amended to read:

1680 **[17C-5-103. Initiating a community reinvestment project area plan.](#)**

1681 (1) Subject to Subsection (2), a board shall initiate the process of adopting a  
1682 community reinvestment project area plan by adopting a survey area resolution that:

1683 (a) designates a geographic area located within the agency's boundaries as a survey  
1684 area;

1685 (b) contains a description or map of the boundaries of the survey area;

1686 (c) contains a statement that the survey area requires study to determine whether  
1687 project area development is feasible within one or more proposed community reinvestment  
1688 project areas within the survey area; and

1689 (d) authorizes the agency to:

1690 (i) prepare a proposed community reinvestment project area plan for each proposed  
1691 community reinvestment project area; and

1692 (ii) conduct any examination, investigation, or negotiation regarding the proposed  
1693 community reinvestment project area that the agency considers appropriate.

1694 (2) If an agency anticipates using eminent domain to acquire property within the survey  
1695 area, the resolution described in Subsection (1) shall include:

1696 (a) a statement that the survey area requires study to determine whether ~~[blight]~~ a  
1697 development impediment exists within the survey area; and

1698 (b) authorization for the agency to conduct a ~~[blight]~~ development impediment study in  
1699 accordance with Section [17C-5-403](#).

1700 Section 29. Section 17C-5-104 is amended to read:

1701 **17C-5-104. Process for adopting a community reinvestment project area plan --**

1702 **Prerequisites -- Restrictions.**

1703 (1) An agency may not propose a community reinvestment project area plan unless the  
1704 community in which the proposed community reinvestment project area plan is located:

1705 (a) has a planning commission; and

1706 (b) has adopted a general plan under:

1707 (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or

1708 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

1709 (2) (a) Before an agency may adopt a proposed community reinvestment project area

1710 plan, the agency shall conduct a ~~[blight]~~ development impediment study and make a ~~[blight]~~

1711 development impediment determination in accordance with Part 4, ~~[Blight]~~ Development

1712 Impediment Determination in a Community Reinvestment Project Area, if the agency

1713 anticipates using eminent domain to acquire property within the proposed community

1714 reinvestment project area.

1715 (b) If applicable, an agency may not approve a community reinvestment project area

1716 plan more than one year after the agency adopts a resolution making a ~~[finding of blight]~~

1717 development impediment determination under Section 17C-5-402.

1718 (3) To adopt a community reinvestment project area plan, an agency shall:

1719 (a) prepare a proposed community reinvestment project area plan in accordance with

1720 Section 17C-5-105;

1721 (b) make the proposed community reinvestment project area plan available to the

1722 public at the agency's office during normal business hours for at least 30 days before the plan

1723 hearing described in Subsection (3)(e);

1724 (c) before holding the plan hearing described in Subsection (3)(e), provide an

1725 opportunity for the State Board of Education and each taxing entity that levies or imposes a tax

1726 within the proposed community reinvestment project area to consult with the agency regarding

1727 the proposed community reinvestment project area plan;

1728 (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing

1729 and Notice Requirements;

1730 (e) hold a plan hearing on the proposed community reinvestment project area plan and,



1731 at the plan hearing:

1732 (i) allow public comment on:

1733 (A) the proposed community reinvestment project area plan; and

1734 (B) whether the agency should revise, approve, or reject the proposed community

1735 reinvestment project area plan; and

1736 (ii) receive all written and oral objections to the proposed community reinvestment

1737 project area plan; and

1738 (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency

1739 meeting:

1740 (i) consider:

1741 (A) the oral and written objections to the proposed community reinvestment project

1742 area plan and evidence and testimony for and against adoption of the proposed community

1743 reinvestment project area plan; and

1744 (B) whether to revise, approve, or reject the proposed community reinvestment project

1745 area plan;

1746 (ii) adopt a resolution in accordance with Section [17C-5-108](#) that approves the

1747 proposed community reinvestment project area plan, with or without revisions, as the

1748 community reinvestment project area plan; and

1749 (iii) submit the community reinvestment project area plan to the community legislative

1750 body for adoption.

1751 (4) (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed

1752 community reinvestment project area plan to add one or more parcels to the proposed

1753 community reinvestment project area unless the agency holds a plan hearing to consider the

1754 addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and

1755 Notice Requirements.

1756 (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to

1757 a proposed community reinvestment project area plan being modified to add one or more

1758 parcels to the proposed community reinvestment project area if:

1759 (i) each parcel is contiguous to one or more parcels already included in the proposed

1760 community reinvestment project area under the proposed community reinvestment project area

1761 plan;

1762 (ii) the record owner of each parcel consents to adding the parcel to the proposed  
1763 community reinvestment project area; and

1764 (iii) each parcel is located within the survey area.

1765 Section 30. Section **17C-5-105** is amended to read:

1766 **17C-5-105. Community reinvestment project area plan requirements.**

1767 [~~Each~~] An agency shall ensure that each community reinvestment project area plan and  
1768 proposed community reinvestment project area plan [~~shall~~]:

1769 (1) subject to Section **17C-1-414**, if applicable, [~~include~~] includes a boundary  
1770 description and a map of the community reinvestment project area;

1771 (2) [~~contain~~] contains a general statement of the existing land uses, layout of principal  
1772 streets, population densities, and building intensities of the community reinvestment project  
1773 area and how each will be affected by project area development;

1774 (3) [~~state~~] states the standards that will guide project area development;

1775 (4) [~~show~~] shows how project area development will further purposes of this title;

1776 (5) [~~be~~] is consistent with the general plan of the community in which the community  
1777 reinvestment project area is located and [~~show~~] shows that project area development will  
1778 conform to the community's general plan;

1779 (6) if applicable, [~~describe~~] describes how project area development will eliminate or  
1780 reduce [~~blight~~] a development impediment in the community reinvestment project area;

1781 (7) [~~describe~~] describes any specific project area development that is the object of the  
1782 community reinvestment project area plan;

1783 (8) if applicable, [~~explain~~] explains how the agency plans to select a participant;

1784 (9) [~~state~~] states each reason the agency selected the community reinvestment project  
1785 area;

1786 (10) [~~describe~~] describes the physical, social, and economic conditions that exist in the  
1787 community reinvestment project area;

1788 (11) [~~describe~~] describes each type of financial assistance that the agency anticipates  
1789 offering a participant;

1790 (12) [~~include~~] includes an analysis or description of the anticipated public benefit  
1791 resulting from project area development, including benefits to the community's economic  
1792 activity and tax base;

1793 (13) if applicable, [~~state~~] states that the agency shall comply with Section 9-8-404 as  
1794 required under Section 17C-5-106;

1795 (14) [~~state~~] for a community reinvestment project area plan that an agency adopted  
1796 before May 14, 2019, states whether the community reinvestment project area plan or proposed  
1797 community reinvestment project area plan is subject to a taxing entity committee or an  
1798 interlocal agreement; and

1799 (15) [~~include~~] includes other information that the agency determines to be necessary or  
1800 advisable.

1801 Section 31. Section 17C-5-108 is amended to read:

1802 **17C-5-108. Board resolution approving a community reinvestment project area**  
1803 **plan -- Requirements.**

1804 A board shall ensure that a resolution approving a proposed community reinvestment  
1805 area plan as the community reinvestment project area plan under Section 17C-5-104 [~~shall~~  
1806 ~~contain~~] contains:

1807 (1) a boundary description of the community reinvestment project area that is the  
1808 subject of the community reinvestment project area plan;

1809 (2) the agency's purposes and intent with respect to the community reinvestment  
1810 project area;

1811 (3) the proposed community reinvestment project area plan incorporated by reference;

1812 (4) the board findings and determinations that the proposed community reinvestment  
1813 project area plan:

1814 (a) serves a public purpose;

1815 (b) produces a public benefit as demonstrated by the analysis described in Subsection  
1816 17C-5-105(12);

1817 (c) is economically sound and feasible;

1818 (d) conforms to the community's general plan; and

1819 (e) promotes the public peace, health, safety, and welfare of the community in which  
1820 the proposed community reinvestment project area is located; and

1821 (5) if the board made a [~~finding of blight~~] development impediment determination  
1822 under Section 17C-5-402, a statement that the board made a [~~finding of blight~~] development  
1823 impediment determination within the proposed community reinvestment project area and the

1824 date on which the board made the [~~finding of blight~~] determination.

1825 Section 32. Section **17C-5-112** is amended to read:

1826 **17C-5-112. Amending a community reinvestment project area plan.**

1827 (1) An agency may amend a community reinvestment project area plan in accordance  
1828 with this section.

1829 (2) (a) If an amendment proposes to enlarge a community reinvestment project area's  
1830 geographic area, the agency shall:

1831 (i) comply with this part as though the agency were creating a community reinvestment  
1832 project area;

1833 (ii) if the agency anticipates receiving project area funds from the area proposed to be  
1834 added to the community reinvestment project area, before the agency may collect project area  
1835 funds:

1836 (A) for a community reinvestment project area plan that is subject to a taxing entity  
1837 committee, obtain approval to receive tax increment from the taxing entity committee; or

1838 (B) for a community reinvestment project area plan that is subject to an interlocal  
1839 agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement;  
1840 and

1841 (iii) if the agency anticipates acquiring property in the area proposed to be added to the  
1842 community reinvestment project area by eminent domain, follow the procedures described in  
1843 Section **17C-5-402**.

1844 (b) The base year for the area proposed to be added to the community reinvestment  
1845 project area shall be determined using the date of:

1846 (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or

1847 (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).

1848 (3) If an amendment does not propose to enlarge a community reinvestment project  
1849 area's geographic area, the board may adopt a resolution approving the amendment after the  
1850 agency:

1851 (a) if the amendment does not propose to allow the agency to receive a greater amount  
1852 of project area funds or to extend a project area funds collection period:

1853 (i) gives notice in accordance with Section **17C-1-806**; and

1854 (ii) holds a public hearing on the proposed amendment that meets the requirements

1855 described in Subsection 17C-5-104(3); or

1856 (b) if the amendment proposes to also allow the agency to receive a greater amount of  
1857 project area funds or to extend a project area funds collection period:

1858 (i) complies with Subsection (3)(a)(i) and (ii); and

1859 (ii) (A) for a community reinvestment project area plan that is subject to a taxing entity  
1860 committee, obtains approval from the taxing entity committee; or

1861 (B) for a community reinvestment project area plan that is subject to an interlocal  
1862 agreement, obtains approval to receive project area funds from the taxing entity that is a party  
1863 to the interlocal agreement.

1864 ~~[(4) (a) An agency may amend a community reinvestment project area plan for a  
1865 community reinvestment project area that is subject to an interlocal agreement for the purpose  
1866 of using eminent domain to acquire one or more parcels within the community reinvestment  
1867 project area.]~~

1868 (4) (a) If a board has not made a determination under Part 4, Development Impediment  
1869 Determination in a Community Reinvestment Project Area, but intends to use eminent domain  
1870 within a community reinvestment project area, the agency may amend the community  
1871 reinvestment project area plan in accordance with this Subsection (4).

1872 (b) To amend a community reinvestment project area plan as described in Subsection  
1873 (4)(a), an agency shall:

1874 (i) adopt a survey area resolution that identifies each parcel that the agency intends to  
1875 study to determine whether ~~[blight]~~ a development impediment exists;

1876 (ii) in accordance with Part 4, ~~[Blight]~~ Development Impediment Determination in a  
1877 Community Reinvestment Project Area, conduct a [blight] development impediment study  
1878 within the survey area and make a ~~[blight]~~ development impediment determination; and

1879 ~~[(iii) create a taxing entity committee whose sole purpose is to approve any finding of  
1880 blight in accordance with Subsection 17C-5-402(3); and]~~

1881 ~~[(iv)]~~ (iii) obtain approval to amend the community reinvestment project area plan  
1882 from each taxing entity that is a party to an interlocal agreement.

1883 (c) Amending a community reinvestment project area plan as described in this  
1884 Subsection (4) does not affect:

1885 (i) the base year of the parcel or parcels that are the subject of an amendment under this

1886 Subsection (4); and

1887 (ii) any interlocal agreement under which the agency is authorized to receive project  
1888 area funds from the community reinvestment project area.

1889 (5) An agency may amend a community reinvestment project area plan without  
1890 obtaining the consent of a taxing entity or a taxing entity committee and without providing  
1891 notice or holding a public hearing if the amendment:

1892 (a) makes a minor adjustment in the community reinvestment project area boundary  
1893 that is requested by a county assessor or county auditor to avoid inconsistent property boundary  
1894 lines; or

1895 (b) removes one or more parcels from a community reinvestment project area because  
1896 the agency determines that each parcel is:

1897 (i) tax exempt;

1898 (ii) ~~[no longer blighted]~~ without a development impediment; or

1899 (iii) no longer necessary or desirable to the project area.

1900 (6) (a) An amendment approved by board resolution under this section may not take  
1901 effect until the community legislative body adopts an ordinance approving the amendment.

1902 (b) Upon the community legislative body adopting an ordinance approving an  
1903 amendment under Subsection (6)(a), the agency shall comply with the requirements described  
1904 in Sections [17C-5-110](#) and [17C-5-111](#) as if the amendment were a community reinvestment  
1905 project area plan.

1906 (7) (a) Within 30 days after the day on which an amendment to a project area plan  
1907 becomes effective, a person may contest the amendment to the project area plan or the  
1908 procedure used to adopt the amendment to the project area plan if the amendment or procedure  
1909 fails to comply with a provision of this title.

1910 (b) After the 30-day period described in Subsection (7)(a) expires, a person may not  
1911 contest the amendment to the project area plan or procedure used to adopt the amendment to  
1912 the project area plan for any cause.

1913 Section 33. Section [17C-5-202](#) is amended to read:

1914 **17C-5-202. Community reinvestment project area funding.**

1915 (1) (a) ~~[Except]~~ Beginning on May 14, 2019, and except as provided in Subsection (2),  
1916 for the purpose of receiving project area funds for use within a community reinvestment project

1917 area, an agency shall negotiate and enter into an interlocal agreement with a taxing entity in  
 1918 accordance with Section [17C-5-204](#) to receive all or a portion of the taxing entity's tax  
 1919 increment or sales and use tax revenue in accordance with the interlocal agreement.

1920 (b) If a community reinvestment project area is subject to an interlocal agreement  
 1921 under Subsection (1)(a) and the agency subsequently amends the community reinvestment  
 1922 project area plan as described in Subsection [17C-5-112\(4\)](#), the agency shall continue to receive  
 1923 project area funds under the interlocal agreement.

1924 ~~[(2) If an agency plans to create a community reinvestment project area and adopt a~~  
 1925 ~~community reinvestment project area plan that provides for the use of eminent domain to~~  
 1926 ~~acquire property within the community reinvestment project area, the agency shall create a~~  
 1927 ~~taxing entity committee as described in Section [17C-1-402](#) and receive tax increment in~~  
 1928 ~~accordance with Section [17C-5-203](#).]~~

1929 (2) Notwithstanding Subsection (1), an agency may receive tax increment in  
 1930 accordance with Section [17C-5-203](#) if the agency created a community reinvestment project  
 1931 area before May 14, 2019, that is subject to a taxing entity committee and provides for the use  
 1932 of eminent domain to acquire property within the community reinvestment project area.

1933 (3) An agency shall comply with ~~[Chapter 5;]~~ Part 3, Community Reinvestment Project  
 1934 Area Budget, regardless of whether an agency enters into an interlocal agreement under  
 1935 Subsection ~~[(1) or creates a taxing entity committee]~~ (1) or receives tax increment under  
 1936 Subsection (2).

1937 Section 34. Section [17C-5-203](#) is amended to read:

1938 **[17C-5-203. Community reinvestment project area subject to taxing entity](#)**  
 1939 **[committee -- Tax increment.](#)**

1940 (1) This section applies to a community reinvestment project area that an agency  
 1941 created before May 14, 2019, and that is subject to a taxing entity committee under Subsection  
 1942 [17C-5-202\(2\)](#).

1943 (2) Subject to the taxing entity committee's approval of a community reinvestment  
 1944 project area budget under Section [17C-5-304](#), and for the purpose of implementing a  
 1945 community reinvestment project area plan, an agency may receive up to 100% of a taxing  
 1946 entity's tax increment, or any specified dollar amount of tax increment, for any period of time.

1947 (3) Notwithstanding Subsection (2), an agency that adopts a community reinvestment

1948 project area plan that is subject to a taxing entity committee may negotiate and enter into an  
 1949 interlocal agreement with a taxing entity and receive all or a portion of the taxing entity's sales  
 1950 and use tax revenue for any period of time.

1951 Section 35. Section **17C-5-401** is amended to read:

**Part 4. Development Impediment Determination in a Community  
 Reinvestment Project Area**

1954 **17C-5-401. Title.**

1955 This part is known as "[~~Blight~~] Development Impediment Determination in a  
 1956 Community Reinvestment Project Area."

1957 Section 36. Section **17C-5-402** is amended to read:

1958 **17C-5-402. Development impediment determination in a community  
 1959 reinvestment project area -- Prerequisites -- Restrictions.**

1960 (1) An agency shall comply with the provisions of this section before the agency may  
 1961 use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.

1962 (2) An agency shall, after adopting a survey area resolution as described in Section  
 1963 [17C-5-103](#):

1964 (a) cause a [~~blight~~] development impediment study to be conducted within the survey  
 1965 area in accordance with Section [17C-5-403](#);

1966 (b) provide notice and hold a [~~blight~~] development impediment hearing in accordance  
 1967 with Chapter 1, Part 8, Hearing and Notice Requirements; and

1968 (c) after the [~~blight~~] development impediment hearing, at the same or at a subsequent  
 1969 meeting:

1970 (i) consider [~~the issue of blight and~~] the evidence and information relating to the  
 1971 existence or nonexistence of [~~blight~~] a development impediment; and

1972 (ii) by resolution, make a [~~finding~~] determination regarding whether [~~blight~~] a  
 1973 development impediment exists in all or part of the survey area.

1974 [~~(3)(a) If an agency makes a finding of blight under Subsection (2), the agency may~~  
 1975 ~~not adopt an original community reinvestment project area plan or an amendment to a~~  
 1976 ~~community reinvestment project area plan under Subsection [17C-5-112](#)(4) until the taxing~~  
 1977 ~~entity committee approves the finding of blight.]~~

1978 [~~(b)(i) A taxing entity committee shall approve an agency's finding of blight unless the~~



1979 ~~taxing entity committee demonstrates that the conditions the agency found to exist in the~~  
 1980 ~~survey area that support the agency's finding of blight:]~~  
 1981 ~~[(A) do not exist; or]~~  
 1982 ~~[(B) do not constitute blight under Section 17C-5-405:]~~  
 1983 ~~[(ii) (A) If the taxing entity committee questions or disputes the existence of some or~~  
 1984 ~~all of the blight conditions that the agency found to exist in the survey area, the taxing entity~~  
 1985 ~~committee may hire a consultant, mutually agreed upon by the taxing entity committee and the~~  
 1986 ~~agency, with the necessary expertise to assist the taxing entity committee in making a~~  
 1987 ~~determination as to the existence of the questioned or disputed blight conditions:]~~  
 1988 ~~[(B) The agency shall pay the fees and expenses of each consultant hired under~~  
 1989 ~~Subsection (3)(b)(ii)(A).]~~  
 1990 ~~[(C) The findings of a consultant hired under Subsection (3)(b)(ii)(A) are binding on~~  
 1991 ~~the taxing entity committee and the agency.]~~  
 1992 Section 37. Section 17C-5-403 is amended to read:  
 1993 **17C-5-403. Development impediment study -- Requirements -- Deadline.**  
 1994 (1) ~~[A blight]~~ An agency shall ensure that a development impediment study [shall]:  
 1995 (a) ~~[undertake]~~ undertakes a parcel by parcel survey of the survey area;  
 1996 (b) ~~[provide]~~ provides data so the board ~~[and taxing entity committee]~~ may determine:  
 1997 (i) whether the conditions described in Section 17C-5-405:  
 1998 (A) exist in part or all of the survey area; and  
 1999 (B) meet the qualifications for a ~~[finding of blight]~~ development impediment  
 2000 determination in all or part of the survey area; and  
 2001 (ii) whether the survey area contains all or part of a superfund site;  
 2002 (c) ~~[include]~~ includes a written report that states:  
 2003 (i) the conclusions reached;  
 2004 (ii) any area within the survey area that meets the statutory criteria of ~~[blight]~~ a  
 2005 development impediment under Section 17C-5-405; and  
 2006 (iii) any other information requested by the agency to determine whether ~~[blight]~~ a  
 2007 development impediment exists within the survey area; and  
 2008 (d) ~~[be]~~ is completed within one year after the day on which the survey area resolution  
 2009 is adopted.

2010 (2) (a) If a [blight] development impediment study is not completed within the time  
2011 described in Subsection (1)(d), the agency may not approve a community reinvestment project  
2012 area plan or an amendment to a community reinvestment project area plan under Subsection  
2013 17C-5-112(4) based on a [blight] development impediment study unless the agency first adopts  
2014 a new resolution under Subsection 17C-5-103(1).

2015 (b) A new resolution described in Subsection (2)(a) shall in all respects be considered  
2016 to be a resolution under Subsection 17C-5-103(1) adopted for the first time, except that any  
2017 actions taken toward completing a [blight] development impediment study under the resolution  
2018 that the new resolution replaces shall be considered to have been taken under the new  
2019 resolution.

2020 (3) (a) For the purpose of making a [blight] development impediment determination  
2021 under Subsection 17C-5-402(2)(c)(ii), a [blight] development impediment study is valid for  
2022 one year from the day on which the [blight] development impediment study is completed.

2023 (b) (i) Except as provided in Subsection (3)(b)(ii), an agency that makes a [blight]  
2024 development impediment determination under a valid [blight] development impediment study  
2025 and subsequently adopts a community reinvestment project area plan in accordance with  
2026 Section 17C-5-104 may amend the community reinvestment project area plan without  
2027 conducting a new [blight] development impediment study.

2028 (ii) An agency shall conduct a supplemental [blight] development impediment study  
2029 for the area proposed to be added to the community reinvestment project area if the agency  
2030 proposes an amendment to a community reinvestment project area plan that:

2031 (A) increases the community reinvestment project area's geographic boundary and the  
2032 area proposed to be added was not included in the original [blight] development impediment  
2033 study; and

2034 (B) provides for the use of eminent domain within the area proposed to be added to the  
2035 community reinvestment project area.

2036 Section 38. Section 17C-5-404 is amended to read:

2037 **17C-5-404. Development impediment hearing -- Owners may review evidence of**  
2038 **a development impediment.**

2039 (1) In a hearing required under Subsection 17C-5-402(2)(b), an agency shall:

2040 (a) permit all evidence of the existence or nonexistence of [blight] a development

2041 impediment within the survey area to be presented; and

2042 (b) permit each record owner of property located within the survey area or the record  
2043 property owner's representative the opportunity to:

2044 (i) examine and cross-examine each witness that provides evidence of the existence or  
2045 nonexistence of [~~blight~~] a development impediment; and

2046 (ii) present evidence and testimony, including expert testimony, concerning the  
2047 existence or nonexistence of [~~blight~~] a development impediment.

2048 (2) An agency shall allow each record owner of property located within a survey area  
2049 the opportunity, for at least 30 days before the day on which the hearing takes place, to review  
2050 the evidence of [~~blight~~] a development impediment compiled by the agency or by the person or  
2051 firm conducting the [~~blight~~] development impediment study for the agency, including any  
2052 expert report.

2053 Section 39. Section **17C-5-405** is amended to read:

2054 **17C-5-405. Conditions on a development impediment determination --**

2055 **Conditions of a development impediment caused by a participant.**

2056 (1) A board may not make a [~~finding of blight~~] development impediment determination  
2057 in a resolution under Subsection **17C-5-402(2)(c)(ii)** unless the board finds that:

2058 (a) (i) the survey area consists predominantly of nongreenfield parcels;

2059 (ii) the survey area is currently zoned for urban purposes and generally served by  
2060 utilities;

2061 (iii) at least 50% of the parcels within the survey area contain nonagricultural or  
2062 nonaccessory buildings or improvements used or intended for residential, commercial,  
2063 industrial, or other urban purposes;

2064 (iv) the present condition or use of the survey area substantially impairs the sound  
2065 growth of the community, delays the provision of housing accommodations, constitutes an  
2066 economic liability, or is detrimental to the public health, safety, or welfare, as shown by the  
2067 existence within the survey area of at least four of the following factors:

2068 (A) although sometimes interspersed with well maintained buildings and infrastructure,  
2069 substantial physical dilapidation, deterioration, or defective construction of buildings or  
2070 infrastructure, or significant noncompliance with current building code, safety code, health  
2071 code, or fire code requirements or local ordinances;

2072 (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or  
2073 welfare of the community;

2074 (C) environmental hazards, as defined in state or federal law, which require  
2075 remediation as a condition for current or future use and development;

2076 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for  
2077 urban use and served by utilities;

2078 (E) abandoned or outdated facilities that pose a threat to public health, safety, or  
2079 welfare;

2080 (F) criminal activity in the survey area, higher than that of comparable [~~nonblighted~~]  
2081 areas in the municipality or county that are without a development impediment; and

2082 (G) defective or unusual conditions of title rendering the title nonmarketable; and

2083 (v) (A) at least 50% of the privately owned parcels within the survey area are affected  
2084 by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv);  
2085 and

2086 (B) the affected parcels comprise at least 66% of the privately owned acreage within  
2087 the survey area; or

2088 (b) the survey area includes some or all of:

2089 (i) a superfund site;

2090 (ii) a site used for the disposal of solid waste or hazardous waste, as those terms are  
2091 defined in Section [19-6-102](#);

2092 (iii) an inactive industrial site; or

2093 (iv) an inactive airport site.

2094 (2) A single parcel comprising 10% or more of the acreage within the survey area may  
2095 not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at  
2096 least 50% of the area of the parcel is occupied by buildings or improvements.

2097 (3) (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a  
2098 participant or proposed participant involved in the project area development has caused a  
2099 condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used  
2100 in the determination of [~~blight~~] a development impediment.

2101 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or  
2102 tenant who later becomes a participant.

2103 Section 40. Section ~~17C-5-406~~ is amended to read:

2104 **17C-5-406. Challenging a finding of development impediment determination --**  
 2105 **Time limit -- Standards governing court review.**

2106 (1) If a board makes a [~~finding of blight~~] development impediment determination  
 2107 under Subsection ~~17C-5-402(2)(c)(ii)~~ [~~and the finding is approved by resolution adopted by the~~  
 2108 ~~taxing entity committee~~], a record owner of property located within the survey area may  
 2109 challenge the [~~finding~~] determination by filing an action in the district court in the county in  
 2110 which the property is located no later than 30 days after the day on which the board makes the  
 2111 determination.

2112 [~~(2) A person shall file an action under Subsection (1) no later than 30 days after the~~  
 2113 ~~day on which the taxing entity committee approves the board's finding of blight.]~~

2114 [~~(3)~~] (2) In an action under this section:

2115 (a) the agency shall transmit to the district court the record of the agency's proceedings,  
 2116 including any minutes, findings, determinations, orders, or transcripts of the agency's  
 2117 proceedings;

2118 (b) the district court shall review the [~~finding of blight~~] development impediment  
 2119 determination under the standards of review provided in Subsection ~~10-9a-801(3)~~; and

2120 (c) (i) if there is a record:

2121 (A) the district court's review is limited to the record provided by the agency; and

2122 (B) the district court may not accept or consider any evidence outside the record of the  
 2123 agency, unless the evidence was offered to the agency and the district court determines that the  
 2124 agency improperly excluded the evidence; or

2125 (ii) if there is no record, the district court may call witnesses and take evidence.

2126 Section 41. **Coordinating H.B. 245 with S.B. 98 -- Substantive amendments.**

2127 If this H.B. 245 and S.B. 98, Community Reinvestment Agency Amendments, both  
 2128 pass and become law, it is the intent of the Legislature that Section ~~17C-5-202~~ shall be  
 2129 amended to read:

2130 "**17C-5-202. Community reinvestment project area funding options.**

2131 (1) (a) [~~Except~~] Beginning on May 14, 2019, and except as provided in Subsection (2),  
 2132 for the purpose of receiving project area funds for use within a community reinvestment project  
 2133 area, an agency shall negotiate and enter into an interlocal agreement with a taxing entity in

2134 accordance with Section 17C-5-204 to receive all or a portion of the taxing entity's tax  
2135 increment or sales and use tax revenue in accordance with the interlocal agreement.

2136 (b) If a community reinvestment project area is subject to an interlocal agreement  
2137 under Subsection (1)(a) and the agency subsequently amends the community reinvestment  
2138 project area plan as described in Subsection 17C-5-112(4), the agency shall continue to receive  
2139 project area funds under the interlocal agreement.

2140 ~~[(2) If an agency plans to create a community reinvestment project area and adopt a~~  
2141 ~~community reinvestment project area plan that provides for the use of eminent domain to~~  
2142 ~~acquire property within the community reinvestment project area, the agency shall create a~~  
2143 ~~taxing entity committee as described in Section 17C-1-402 and receive tax increment in~~  
2144 ~~accordance with Section 17C-5-203.]~~

2145 ~~[(3) An agency shall comply with Chapter 5, Part 3, Community Reinvestment Project~~  
2146 ~~Area Budget, regardless of whether an agency enters into an interlocal agreement under~~  
2147 ~~Subsection (1) or creates a taxing entity committee under Subsection (2).]~~

2148 (2) Notwithstanding Subsection (1), an agency may receive tax increment in  
2149 accordance with Section 17C-5-203 if the agency created a community reinvestment project  
2150 area before May 14, 2019, that is subject to a taxing entity committee and provides for the use  
2151 of eminent domain to acquire property within the community reinvestment project area.

2152 (3) Regardless of whether an agency enters into an interlocal agreement under  
2153 Subsection (1) or receives tax increment under Subsection (2), an agency:

2154 (a) shall comply with Part 3, Community Reinvestment Project Area Budget; and

2155 (b) except as provided in Subsection 17C-1-409(6)(b), may not pay a taxing entity that  
2156 is not the community that created the agency a one-time or ongoing:

2157 (i) administrative fee; or

2158 (ii) fee related to the creation, operation, or administration of a project area."